

HOUSE JOURNAL

PROCEEDINGS

OF THE

House of Representatives

OF

The Legislature

OF THE

STATE OF KANSAS

REGULAR 2009 SESSION

JANUARY 12, 2009 THROUGH ADJOURNMENT JUNE 4, 2009

SUSAN W. KANNARR, *Chief Clerk of the House*

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Governor

MARK PARKINSON, Topeka[°]

Lieutenant Governor

TROY FINDLEY, Topeka^{°*}

OFFICERS OF THE HOUSE

Session of 2009

Michael “Mike” O’Neal	Speaker
Arlen Siegfroid	Speaker Pro Tem
Ray Merrick	Majority Leader
Paul Davis	Minority Leader
Susan Kannarr	Chief Clerk
Wayne Owen	Sergeant-at-Arms

[°] Mark Parkinson was sworn in on April 28, 2009 to replace Kathleen Sebelius as Governor.

^{°*} Troy Findley was sworn in on May 15, 2009 to replace Mark Parkinson as Lieutenant Governor.

HOUSE OF REPRESENTATIVES—2009

MEMBERS LISTED ALPHABETICALLY

<i>Name and City</i>	<i>Party</i>	<i>Dist.</i>	<i>Occupation</i>
Aurand, Clay , Courtland	Rep.	109	Farmer/Stockman
Ballard, Barbara W. , Lawrence	Dem.	44	University Administrator
Benlon, Lisa , Overland Park	Dem.	22	
Bethell, Bob , Alden	Rep.	113	Pastor/Consultant
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
Grant, Robert “Bob” , Cherokee	Dem.	2	Catering Business
Hawk, Tom , Manhattan	Dem.	67	Retired School Superintendent

<i>Name and City</i>	<i>Party</i>	<i>Dist.</i>	<i>Occupation</i>
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
Huntington, Terrie W. , Mission Hills	Rep.	25	Community Volunteer
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	
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
*Navinsky, Don , Easton	Dem.	40	
Neighbor, Cindy , Shawnee	Dem.	18	
Neufeld, Melvin , Ingalls	Rep.	115	Farmer
O'Brien, Connie , Tonganoxie	Rep.	42	Retired
Olson, Robert (Rob) , Olathe	Rep.	26	Contractor
O'Neal, Michael R. "Mike" , Hutchinson	Rep.	104	Attorney

MEMBERS LISTED ALPHABETICALLY

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<i>Name and City</i>	<i>Party</i>	<i>Dist.</i>	<i>Occupation</i>
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
Sawyer, Tom , Wichita	Dem.	95	Accountant
Schroeder, Don , Inman	Rep.	74	Retired Farmer
Schwab, Scott , Overland Park	Rep.	49	Healthcare/Sales/ Marketing
Schwartz, Sharon , Washington	Rep.	106	Business Manager
Seiwert, Joe , Pretty Prairie	Rep.	101	Self-employed, Agribusiness
Shultz, Clark , Lindsborg	Rep.	73	Auditor
Siegreid, 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 Researcher
Svaty, Joshua , 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
Watkins, Jason P. , Wichita	Rep.	105	Business Owner
Wetta, Vincent , Wellington	Dem.	80	Retired Railroad Engineer
Whitham, Jeff , Garden City	Rep.	123	Banker/Attorney
Williams, Jerry D. , Chanute	Dem.	8	Retired
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

° **Don Navinsky** sworn in February 25, 2009 to replace **Melanie Meier**, resigned.

STANDING COMMITTEES OF THE HOUSE

LEGISLATIVE SESSION, 2009

Aging and Long-term Care: Bethell, Chairperson; Hill, Vice-chairperson; Donohoe, Horst, Myers, 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.
Svaty, Ranking Minority Member; T. Brown, Lukert, Maloney, Navinsky, Palmer, Wetta.

Appropriations: Yoder, Chairperson; Watkins, Vice-chairperson; Craft, Crum, DeGraaf, Donohoe, Faber, M. Holmes, Kelley, Light, Mast, McLeland, Tafanelli, Whitham.
Feuerborn, Ranking Minority Member; Ballard, Burroughs, Carlin, Henry, Lane, Sawyer, Ward, Williams.

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

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

Corrections and Juvenile Justice: Colloton, Chairperson; Patton, Vice-chairperson; Bethell, Brookens, Kinzer, Roth, Spalding.
McCray-Miller, Ranking Minority Member; Dillmore, 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; Brookens, Gordon, Hill, Hineman, Huebert, Neufeld, Otto, Roth, Spalding, Vickrey.
Winn, Ranking Minority Member; Crow, Flaharty, Loganbill, Mah, Phelps, Trimmer.

Elections: Huebert, Chairperson; Schwab, Vice-chairperson; Bethell, Brunk, Horst, O'Brien, Otto.
Sawyer, 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, Svaty, Talia, Wetta.

Federal and State Affairs: Neufeld, Chairperson; Kiegerl, Vice-chairperson; Bowers, A. Brown, Brunk, Carlson, Fund, M. Holmes, Huebert, Jack, 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, Vice-chairperson; Landwehr, Neufeld, Roth, Sloan, Spalding, Vickrey, Vacant slot.
Trimmer, Ranking Minority Member; S. Gatewood, Henderson, Loganbill, McCray-Miller, Ruiz.

Health and Human Services: Landwehr, Chairperson; Crum, Vice-chairperson; Gordon, Hermanson, Mast, Morrison, Otto, Quigley, Schwab, Schroeder, Shultz, Siegfried, Flaharty, Ranking Minority Member; Finney, Furtado, Neighbor, Slattery, Trimmer, Ward.

Higher Education: Huntington, Chairperson; Rhoades, Vice-chairperson; Horst, McLeland, Moxley, Prescott, Vacant slot.
Mah, Ranking Minority Member; T. Brown, Palmer, Winn.

Insurance: Shultz, Chairperson; Peck, Vice-chairperson; A. Brown, Brunk, DeGraaf, Hermanson, Olson, Proehl.
Dillmore, Ranking Minority Member; Burroughs, Grant, Neighbor, Swenson.

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

Judiciary: Kinzer, Chairperson; Whitham, Vice-chairperson; Brookens, Colloton, Grange, Jack, King, Kleebl, Patton, Watkins, 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: Schultz, Chairperson; Kinzer, Whitham
Sawyer, Vice-chairperson; Pauls.

Taxation: Carlson, Chairperson; King, Vice-chairperson; A. Brown, George, Goico, Hayzlett, Kleebl, Peck, Powell, Rhoades, Schroeder, Schwartz, Siegfried, K. Wolf.
Menghini, Ranking Minority Member; Benlon, Dillmore, Frownfelter, Goyle, Hawk, Lukert, McCray-Miller, Rardin.

Transportation: Hayzlett, Chairperson; Vickrey, Vice-chairperson; Burgess, Kerschen, King, Kleebl, Peck, Proehl, Schwartz, Swanson, B. Wolf, Worley.
Long, Ranking Minority Member; Ballard, Henry, Maloney, Menghini, Rardin, Wetta.

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

Vision 2020: Sloan, Chairperson; George, Vice-chairperson; Aurand, Craft, Goico, Hineman, Seiwert, Tafanelli, K. Wolf.
Hawk, Ranking Minority Member; Feuerborn, D. Gatewood, S. Gatewood, Goyle, Navinsky.

Budget Committees

Agriculture and Natural Resources Budget: Faber, Chairperson; Powell, Vice-chairperson; Grange, Hill, C. Holmes, Light.
Carlin, Ranking Minority Member; Lukert, Williams.

Education Budget: McLeland, Chairperson; Aurand, Vice-chairperson; Carlson, Craft, Huntington.
Lane, Ranking Minority Member; Feuerborn, Rardin.

General Government Budget: Watkins, Chairperson; Kelley, Vice-chairperson; DeGraaf, Donohoe, Pottorff, Whitham.
Burroughs, Ranking Minority Member; Sawyer, Talia.

Legislative Budget: Yoder, Chairperson; Merrick, Vice-chairperson; Mast, O'Neal, Siegfried.
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, Potterff, Quigley.
D. Gatewood, Ranking Minority Member; Finney, Frownfelter.

Select Committee on KPERS: Schwartz, Chairperson; Shultz, Vice-chairperson; Carlson, Huntington, Olson, Whitham.
Flaharty, Ranking Minority Member; Lane, Long

JOINT COMMITTEES

Administrative Rules & Regulations: C. Holmes, Chairperson, Faber, Huebert, Patton; Pauls, Trimmer, Palmer
Senate members: V. Schmidt, Vice-Chair; Brownlee, Ostmeyer; Lee, Steineger

Arts & Cultural Resources: Horst, Chairperson; Gordon, Swanson; Carlin, Furtado
Senate members: Schodorf, Vice-Chair; Lynn, Umbarger; Faust-Goudeau, Francisco

Children's Issues: Kiegerl, Chairperson; DeGraaf, Otto; Crow, Winn
Senate members: Lynn, Vice-Chair; Reitz Wagle; Haley, Faust-Goudeau

Corrections & Juvenile Justice Oversight: Colloton, Chairperson; Craft, Grange, Patton; D. Gatewood, Henry, Ward
Senate members: Brungardt, Vice-Chair; Brownlee, Bruce, Owens, Kelsey; Haley, Lee

Economic Development: Gordon, Chairperson; Donohoe, George, Schwartz, Seiwert; Benlon, Slattery, Winn
Senate members: Wysong, Vice-Chair; Lynn, Marshall; Faust-Goudeau, Holland

Energy and Environmental Policy: C. Holmes, Vice-Chair; M. Holmes, Sloan, Knox; Svaty, Neighbor
Senate members: McGinn, Chairperson; Apple, Reitz, Taddiken; Lee

Health Policy Oversight: Landwehr, Vice-Chair; Bethell, Hill, Mast; Ruiz, Ward
Senate members: Barnett, Chairperson; V. Schmidt, Reitz, Colyer; Haley, Kelly

Home and Community Based Services (HCBS) Oversight: Bethell, Vice-Chair, Landwehr, Mast; Henry, McCray-Miller
Senate members: McGinn, Chairperson; Umbarger; Kelly, Kultala

Information Technology: McLeland, Chairperson; Burgess, Morrison; Dillmore, Lane
Senate members: Huelskamp, Vice-Chair; Petersen, V. Schmidt; Holland, Steineger

Kansas Security: Goico, Chairperson; Johnson, Tafanelli; Loganbill, Menghini
Senate members: Emler, Vice-Chair, McGinn, Owens; Lee, Hensley

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

Pensions, Investments & Benefits: Olson, Chairperson; Carlson, Huntington, Schwartz, Whitham; Flaharty, Swenson, Long
Senate members: Morris, Vice-Chair; Teichman, Emler; Kelly, Hensley

Special Claims Against the State: M. Holmes, Vice-Chair; Fund, Huebert, King, Patton; Grant, Henderson, Feuerborn
Senate members: Wagle, Chairperson; Bruce, Masterson, Pyle; Kultala

State Building Construction: Pottorff, Chairperson; M. Holmes, Brunk Feuerborn, Grant
Senate members: Umbarger, Vice-Chair; Apple, Emler; Francisco, Kelly

State-Tribal Relations: Knox, Vice-Chair; Rhoades, K. Wolf; Lukert, Sawyer
Senate members: Brungardt, Chairperson; Pyle, Vratil; Haley, Kultala

**HOUSE MEMBERSHIP INFORMATION
2009 SESSION**

**DSOB is 7th Floor, Docking State Office Building
*R.M. Member identifies ranking Minority Member.**

Aurand, Clay	Office: 142-W	785-296-7672	
First term 1995	District: 109	Republican	
Education	Chair	9:00 a.m.	DSOB 711
Vision 2020	Member	1:30 p.m. M/W	DSOB 711
Veterans, Military and Homeland Security	Member	1:30 p.m. T/R	DSOB 711
Education Budget	Vice-Chair	3:30 p.m.	531-N
Ballard, Barbara	Office: DSOB	785-296-7697	
First term 1993	District: 44	Democrat	
Appropriations	Member	9:00 a.m.	143-N
Transportation	Member	1:30 p.m.	DSOB 783
Social Services Budget	Member	3:30 p.m.	DSOB 786
Calendar and Printing	Member	On Call	
Benlon, Lisa	Office: DSOB	785-296-7643	
First term 1991-2002 (R); 2009(D)	District: 22	Democrat	
Taxation	Member	9:00 a.m.	535-N
Federal and State Affairs	Member	1:30 p.m.	143-N
Economic Development and Tourism	*R.M. Member	3:30 p.m. M/W	DSOB 711
Jt. Comm. on Economic Development	Member	On Call	
Bethell, Bob	Office: 161-W	785-296-7616	
First term 1999	District: 113	Republican	
Commerce and Labor	Member	9:00 a.m.	DSOB 784
Corrections and Juvenile Justice	Member	1:30 p.m.	535-N
Elections	Member	3:30 p.m. M/W	446-N
Aging and Long Term Care	Chair	3:30 p.m. T/R	DSOB 711
Jt. Comm. on Health Policy Oversight	Member	On Call	
Jt. Comm. on HCBS Oversight	Vice-Chair	On Call	
Bowers, Elaine	Office: DSOB	785-296-7644	
First term 2007	District: 107	Republican	
Commerce and Labor	Member	9:00 a.m.	DSOB 784
Federal and State Affairs	Member	1:30 p.m.	143-N
Agriculture and Natural Resources	Member	3:30 p.m.	DSOB 783
Brookens, J. Robert (Bob)	Office: DSOB	785-296-7636	
First term 2009	District: 70	Republican	
Education	Member	9:00 a.m.	DSOB 711
Corrections and Juvenile Justice	Member	1:30 p.m.	535-N
Judiciary	Member	3:30 p.m.	143-N
Brown, Anthony	Office: DSOB	785-296-7679	
First term 2005	District: 38	Republican	
Taxation	Member	9:00 a.m.	535-N
Federal and State Affairs	Member	1:30 p.m.	143-N
Financial Institutions	Chair	3:30 p.m. M/W	DSOB 784
Insurance	Member	3:30 p.m. T/R	DSOB 784

Brown, Tony	Office: DSOB	785-296-7885
First term 2009	District: 10	Democrat
Energy and Utilities	Member	9:00 a.m. DSOB 783
Higher Education	Member	1:30 p.m. DSOB 786
Agriculture and Natural Resources	Member	3:30 p.m. DSOB 783
Brunk, Steven	Office: 141-W	785-296-7645
First term 2003	District: 85	Republican
Commerce and Labor	Chair	9:00 a.m. DSOB 784
Federal and State Affairs	Member	1:30 p.m. 143-N
Elections	Member	3:30 p.m. M/W 446-N
Insurance	Member	3:30 p.m. T/R DSOB 784
Jt. Comm. on State Building Construction	Member	On Call
Burgess, Mike	Office: DSOB	785-296-7632
First term 2003	District: 51	Republican
Energy and Utilities	Member	9:00 a.m. DSOB 783
Transportation	Member	1:30 p.m. DSOB 783
Government Efficiency and Fiscal Oversight	Vice-Chair	3:30 p.m. 535-N
Jt. Comm. on Information Technology	Member	On Call
Burroughs, Tom	Office: DSOB	785-296-7885
First term 1997	District: 33	Democrat
Appropriations	Member	9:00 a.m. 143-N
General Government Budget	°R.M. Member	1:30 p.m. 531-N
Insurance	Member	3:30 p.m. T/R DSOB 784
Financial Institutions	Member	3:30 p.m. M/W DSOB 784
Jt. Comm. on Legislative Post Audit	Member	On Call
Carlin, Sydney	Office: DSOB	785-296-7677
First Term 03	District: 66	Democrat
Appropriations	Member	9:00 a.m. 143-N
Agriculture and Natural Resources Budget	°R.M. Member	1:30 p.m. 431-N
Aging and Long Term Care	Member	3:30 p.m. T/R DSOB 711
Jt. Comm. on Arts and Cultural Resources	Member	On Call
Carlson, Richard	Office: 242-W	785-296-7660
First Term 2005	District: 61	Republican
Taxation	Chair	9:00 a.m. 535-N
Federal and State Affairs	Member	1:30 p.m. 143-N
Education Budget	Member	3:30 p.m. 531-N
Select Committee on KPERS	Member	On Call
Jt. Comm. on Pensions, Investments and Benefits	Member	On Call
Colloton, Pat	Office: 142-W	785-296-7631
First Term 2005	District: 28	Republican
Corrections and Juvenile Justice	Chair	1:30 p.m. 535-N
Judiciary	Member	3:30 p.m. 143-N
Jt. Comm. on Corrections and Juvenile Justice Oversight	Chair	On Call

Craft, Barbara	Office: DSOB	785-296-7642
First Term 2003	District: 65	Republican
Appropriations	Member	9:00 a.m. 143-N
Vision 2020	Member	1:30 p.m. M/W DSOB 711
Veterans, Military and Homeland Security	Member	1:30 p.m. T/R DSOB 711
Education Budget	Member	3:30 p.m. 531-N
Jt. Comm. on Corrections and Juvenile Justice Oversight	Member	On Call
Crow, Marti	Office: DSOB	785-296-7643
First Term 1997	District: 41	Democrat
Education	Member	9:00 a.m. DSOB 711
Veterans, Military and Homeland Security	Member	1:30 p.m. T/R DSOB 711
Judiciary	Member	3:30 p.m. 143-N
Interstate Cooperation	*R.M. Member	On Call
Jt. Comm. on Children's Issues	Member	On Call
Crum, Dave	Office: DSOB	785-296-7642
First Term 2007	District: 77	Republican
Appropriations	Member	9:00 a.m. 143-N
Health and Human Services	Vice-Chair	1:30 p.m. DSOB 784
Social Services Budget	Member	3:30 p.m. DSOB 786
Davis, Paul	Office: 281-W	785-296-7630
First Term 2003	District: 46	Democrat
Calendar and Printing	Member	On Call
Legislative Cooperation	*R.M. Member	On Call
Interstate Cooperation	Member	On Call
DeGraaf, Peter	Office: DSOB	785-296-7653
First term May, 2008	District: 81	Republican
Appropriations	Member	9:00 a.m. 143-N
General Government Budget	Member	1:30 p.m. 531-N
Financial Institutions	Member	3:30 p.m. M/W DSOB 784
Insurance	Member	3:30 p.m. T/R DSOB 784
Jt. Comm. on Children's Issues	Member	On Call
Dillmore, Nile	Office: DSOB	785-296-7647
First Term 2001	District: 92	Democrat
Taxation	Member	9:00 a.m. 535-N
Corrections and Juvenile Justice	Member	1:30 p.m. 535-N
Financial Institutions	Member	3:30 p.m. M/W DSOB 784
Insurance	*R.M. Member	3:30 p.m. T/R DSOB 784
Jt. Comm. on Information Technology	Member	On Call
Donohoe, Owen	Office: DSOB	785-296-7682
First Term 2007	District: 39	Republican
Appropriations	Member	9:00 a.m. 143-N
General Government Budget	Member	1:30 p.m. 531-N
Economic Development and Tourism	Vice-Chair	3:30 p.m. M/W DSOB 711
Aging and Long Term Care	Member	3:30 p.m. T/R DSOB 711
Jt. Comm. on Economic Development	Member	On Call

Faber, John	Office: 161-W	785-296-7500
First Term 1997	District: 120	Republican
Appropriations	Member	9:00 a.m. 143-N
Agriculture and Natural Resources	Chair	1:30 p.m. 431-N
Budget		
Transportation and Public Safety	Member	3:30 p.m. 136-N
Budget		
Jt. Comm. on Administrative Rules and Regulations	Member	On Call
Feuerborn, Bill	Office: 132-N	785-296-7688
First term 6/4/94-	District: 5	Democrat
Appropriations	*R.M. Member	9:00 a.m. 143-N
Vision 2020	Member	1:30 p.m. M/W DSOB 711
Education Budget	Member	3:30 p.m. 531-N
Jt. Comm. on Special Claims Against the State	Member	On Call
Jt. Comm. on State Building Construction	Member	On Call
Finney, Gail	Office: DSOB	785-296-7697
First Term 2009	District: 84	Democrat
Energy and Utilities	Member	9:00 a.m. DSOB 783
Health and Human Services	Member	1:30 p.m. DSOB 784
Transportation and Public Safety	Member	3:30 p.m. 136-N
Budget		
Flaharty, Geraldine	Office: DSOB	785-296-7651
First term 11/21/1995	District: 98	Democrat
Education	Member	9:00 a.m. DSOB 711
Health and Human Services	*R.M. Member	1:30 p.m. DSOB 784
Aging and Long Term Care	Member	3:30 p.m. T/R DSOB 711
Economic Development and Tourism	Member	3:30 p.m. M/W DSOB 711
Jt. Comm. on Pensions, Investments and Benefits	Member	On Call
Select Committee on KPERS	*R.M. Member	On Call
Frownfelter, Stan	Office: DSOB	785-296-7668
First Term 2007	District: 31	Democrat
Taxation	Member	9:00 a.m. 535-N
Corrections and Juvenile Justice	Member	1:30 p.m. 535-N
Transportation and Public Safety	Member	3:30 p.m. 136-N
Budget		
Fund, Rocky	Office: DSOB	785-296-7689
First Term 2007	District: 50	Republican
Energy and Utilities	Member	9:00 a.m. DSOB 783
Federal and State Affairs	Member	1:30 p.m. 143-N
Agriculture and Natural Resources	Vice-Chair	3:30 p.m. DSOB 783
Jt. Comm. on Special Claims Against the State	Member	On Call

Furtado, Dolores First Term 2009 Health and Human Services Aging and Long Term Care Economic Development and Tourism Jt. Comm. on Arts and Cultural Resources	Office: DSOB District: 19 Member Member Member Member	785-296-6838 Democratic 1:30 p.m. DSOB 784 3:30 p.m. T/R DSOB 711 3:30 p.m. M/W DSOB 711 On Call
Garcia, Delia First Term 2005 Commerce and Labor Veterans, Military and Homeland Security Local Government Elections	Office: DSOB 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 711 3:30 p.m. T/R 446-N 3:30 p.m. M/W 446-N
Gatewood, Doug First Term 1999 Appropriations Vision 2020 Transportation and Public Safety Budget Jt. Comm. on Corrections and Juvenile Justice	Office: DSOB District: 1 Member Member °R.M. Member Member	785-296-7698 Democrat 9:00 a.m. 143-N 1:30 p.m. M/W DSOB 711 3:30 p.m. 136-N On Call
Gatewood, Sean First Term 2009 Commerce and Labor Vision 2020 Veterans, Military and Homeland Security Government Efficiency and Fiscal Oversight	Office: DSOB District: 57 Member Member Member Member	785-296-7657 Democrat 9:00 a.m. DSOB 784 1:30 p.m. M/W DSOB 711 1:30 p.m. T/R DSOB 711 3:30 p.m. 535-N
George, Pat First Term 2005 Taxation Vision 2020 Veterans, Military and Homeland Security Economic Development and Tourism Jt. Comm. on Economic Development	Office: DSOB District: 119 Member Vice-Chair Member Member Member	785-296-7655 Republican 9:00 a.m. 535-N 1:30 p.m. M/W DSOB 711 1:30 p.m. T/R DSOB 711 3:30 p.m. M/W DSOB 711 On Call
Goico, Mario First Term 2003 Taxation Vision 2020 Veterans, Military and Homeland Security Financial Institutions Local Government Jt. Comm. on Kansas Security	Office: DSOB District: 100 Member Member Vice-Chair Member Member Chair	785-296-7663 Republican 9:00 a.m. 535-N 1:30 p.m. M/W DSOB 711 1:30 p.m. T/R DSOB 711 3:30 p.m. M/W DSOB 784 3:30 p.m. T/R 446-N On Call

Gordon, Lana	Office: 142-W	785-296-7652
First Term 2001	District: 52	Republican
Education	Member	9:00 a.m. DSOB 711
Health and Human Services	Member	1:30 p.m. DSOB 784
Economic Development and Tourism	Chair	3:30 p.m. M/W DSOB 711
Local Government	Member	3:30 p.m. T/R 446-N
Jt. Comm. on Arts and Cultural Resources	Member	On Call
Jt. Comm. on Economic Development	Chair	On Call
Goyle, Raj	Office: DSOB	785-296-7885
First Term 2007	District: 87	Democrat
Taxation	Member	9:00 a.m. 535-N
Vision 2020	Member	1:30 p.m. M/W DSOB 711
Veterans, Military and Homeland Security	°R.M. Member	1:30 p.m. T/R DSOB 711
Judiciary	Member	3:30 p.m. 143-N
Grange, John	Office: DSOB	785-296-7655
First Term 2005	District: 75	Republican
Commerce and Labor	Vice-Chair	9:00 a.m. DSOB 784
Agriculture and Natural Resources	Member	1:30 p.m. 431-N
Budget		
Judiciary	Member	3:30 p.m. 143-N
Jt. Comm. on Corrections and Juvenile Justice Oversight	Member	On Call
Jt. Comm. on Legislative Post Audit	Member	On Call
Grant, Robert	Office: DSOB	785-296-7650
First term 7/18/91-1994; 1997-	District: 2	Democrat
Commerce and Labor	Member	9:00 a.m. DSOB 784
Federal and State Affairs	Member	1:30 p.m. 143-N
Financial Institutions	°R.M. Member	3:30 p.m. M/W DSOB 784
Insurance	Member	3:30 p.m. T/R DSOB 784
Jt. Comm. on Special Claims Against the State	Member	On Call
Jt. Comm. on State Building Construction	Member	On Call
Hawk, Tom	Office: DSOB	785-296-7665
First Term 2005	District: 67	Democrat
Taxation	Member	9:00 a.m. 535-N
Vision 2020	°R.M. Member	1:30 p.m. M/W DSOB 711
Social Services Budget	Member	3:30 p.m. DSOB 786
Haylett, Gary	Office: 242-W	785-296-7640
First Term 1991	District: 122	Republican
Taxation	Member	9:00 a.m. 535-N
Transportation	Chair	1:30 p.m. DSOB 783
Agriculture and Natural Resources	Member	3:30 p.m. DSOB 783

Henderson, Broderick	Office: DSOB	785-296-7697	
First Term 1995	District: 35	Democrat	
Commerce and Labor	Member	9:00 a.m.	DSOB 784
Federal and State Affairs	Member	1:30 p.m.	143-N
Government Efficiency and Fiscal Oversight	Member	3:30 p.m.	535-N
Jt. Comm. on Special Claims Against the State	Member	On Call	
Henry, Jerry	Office: 131-N	785-296-7688	
First Term 1993	District: 63	Democrat	
Appropriations	Member	9:00 a.m.	143-N
Transportation	Member	1:30 p.m.	DSOB 783
Social Services Budget	*R.M. Member	3:30 p.m.	DSOB 786
Jt. Comm. on Corrections and Juvenile Justice Oversight	Member	On Call	
Joint Committee on HCBS Oversight	Member	On Call	
Hermanson, Phil	Office: DSOB	785-296-7696	
First Term 2009	District: 96	Republican	
Commerce and Labor	Member	9:00 a.m.	DSOB 784
Health and Human Services	Member	1:30 p.m.	DSOB 784
Financial Institutions	Member	3:30 p.m. M/W	DSOB 784
Insurance	Member	3:30 p.m. T/R	DSOB 784
Hill, Don	Office: DSOB	785-296-7667	
First Term 2003	District: 60	Republican	
Education	Member	9:00 a.m.	DSOB 711
Agriculture and Natural Resources Budget	Member	1:30 p.m.	431-N
Economic Development and Tourism	Member	3:30 p.m. M/W	DSOB 711
Aging and Long Term Care	Vice-Chair	3:30 p.m. T/R	DSOB 711
Jt. Comm. on Health Policy Oversight	Member	On Call	
Hineman, Don	Office: DSOB	785-296-7671	
First Term 2009	District: 118	Republican	
Education	Member	9:00 a.m.	DSOB 711
Vision 2020	Member	1:30 p.m. M/W	DSOB 711
Veterans, Military and Homeland Security	Member	1:30 p.m. T/R	DSOB 711
Agriculture and Natural Resources	Member	3:30 p.m.	DSOB 783
Holmes, Carl	Office: 142-W	785-296-7670	
First Term 1985	District: 125	Republican	
Energy and Utilities	Chair	9:00 a.m.	DSOB 783
Agriculture and Natural Resources Budget	Member	1:30 p.m.	431-N
Jt. Comm. on Administrative Rules and Regulations	Chair	On Call	
Joint Committee on Energy and Environmental Policy	Vice-Chair	On Call	

Holmes, Mitch	Office: DSOB	785-296-7667
First Term 2005	District: 114	Republican
Appropriations	Member	9:00 a.m. 143-N
Federal and State Affairs	Member	1:30 p.m. 143-N
Local Government	Vice-Chair	3:30 p.m. T/R 446-N
Joint Committee on Energy and Environmental Policy	Member	On Call
Jt. Comm. on Special Claims Against the State	Vice-Chair	On Call
Jt. Comm. on State Building Construction	Member	On Call
Horst, Deena	Office: 122-W	785-296-7501
First Term 1995	District: 69	Republican
Education	Vice-Chair	9:00 a.m. DSOB 711
Higher Education	Member	1:30 p.m. DSOB 786
Elections	Member	3:30 p.m. M/W 446-N
Aging and Long Term Care	Member	3:30 p.m. T/R DSOB 711
Jt. Comm. on Arts and Cultural Resources	Chair	On Call
Huebert, Steve	Office: 121-W	785-296-1754
First Term 2001	District: 90	Republican
Education	Member	9:00 a.m. DSOB 711
Federal and State Affairs	Member	1:30 p.m. 143-N
Elections	Chair	3:30 p.m. M/W 446-N
Local Government	Member	3:30 p.m. T/R 446-N
Jt. Comm. on Administrative Rules and Regulations	Member	On Call
Jt. Comm. on Special Claims Against the State	Member	On Call
Huntington, Terrie	Office: DSOB	785-296-7649
First Term 2003	District: 25	Republican
Higher Education	Chair	1:30 p.m. DSOB 786
Education Budget	Member	3:30 p.m. 531-N
Select Committee on KPERS	Member	On Call
Jt. Comm. on Pensions, Investments and Benefits	Member	On Call
Jack, Aaron	Office: DSOB	785-296-7641
First Term 2009	District: 99	Republican
Federal and State Affairs	Member	1:30 p.m. 143-N
Judiciary	Member	3:30 p.m. 143-N
Johnson, Dan	Office: DSOB	785-296-7649
First Term 1997	District: 110	Republican
Energy and Utilities	Member	9:00 a.m. DSOB 783
Agriculture and Natural Resources	Member	3:30 p.m. DSOB 783
Jt. Comm. on Kansas Security	Member	On Call
Kelley, Kasha	Office: DSOB	785-296-7642
First Term 2005	District: 79	Republican
Appropriations	Member	9:00 a.m. 143-N
General Government Budget	Vice-Chair	1:30 p.m. 531-N

Kerschen, Dan First Term 2009 Commerce and Labor Transportation Agriculture and Natural Resources	Office: DSOB District: 93 Member Member Member	785-296-7699 Republican 9:00 a.m. DSOB 784 1:30 p.m. DSOB 783 3:30 p.m. DSOB 783
Kiegerl, Mike First Term 2005 Federal and State Affairs Social Services Budget Jt. Comm. on Children's Issues	Office: 121-W District: 43 Vice-Chair Member Chair	785-296-1754 Republican 1:30 p.m. 143-N 3:30 p.m. DSOB 786 On Call
King, Jeff First Term 2007 Taxation Transportation Judiciary Jt. Comm. on Special Claims Against the State	Office: DSOB District: 12 Vice-Chair Member Member Member	785-296-7699 Republican 9:00 a.m. 535-N 1:30 p.m. DSOB 783 3:30 p.m. 143-N On Call
Kinzer, Lance First term 7/27/2004 Corrections and Juvenile Justice Judiciary Rules and Journal	Office: 121-W District: 14 Member Chair Member	785-296-7692 Republican 1:30 p.m. 535-N 3:30 p.m. 143-N On Call
Kleeb, Marvin First Term 2009 Taxation Transportation Judiciary	Office: DSOB District: 48 Member Member Member	785-296-7663 Republican 9:00 a.m. 535-N 1:30 p.m. DSOB 783 3:30 p.m. 143-N
Knox, Forrest First Term 2005 Energy and Utilities Federal and State Affairs Social Services Budget Joint Committee on Energy and Environmental Policy Jt. Comm. on State-Tribal Relations	Office: DSOB District: 13 Vice-Chair Member Member Member Chair	785-296-7671 Republican 9:00 a.m. DSOB 783 1:30 p.m. 143-N 3:30 p.m. DSOB 786 On Call On Call
Kuether, Annie First Term 1997 Energy and Utilities Judiciary	Office: DSOB District: 55 °R.M. Member Member	785-296-7669 Democrat 9:00 a.m. DSOB 783 3:30 p.m. 143-N
Landwehr, Brenda First Term 1995 Health and Human Services Government Efficiency and Fiscal Oversight Jt. Comm. on Health Policy Oversight Jt. Comm. on HCBS Oversight	Office: 161-W District: 91 Chair Member Vice-Chair Member	785-296-7683 Republican 1:30 p.m. DSOB 784 3:30 p.m. 535-N On Call On Call

Lane, Harold	Office: DSOB	785-296-7657
First term 8/20/2003	District: 58	Democrat
Appropriations	Member	9:00 a.m. 143-N
Education Budget	°R.M. Member	3:30 p.m. 531-N
Jt. Comm. on Information Technology	Member	On Call
Select Committee on KPERS	Member	On Call
Light, Bill	Office: DSOB	785-296-7636
First Term 1999	District: 124	Republican
Appropriations	Member	9:00 a.m. 143-N
Agriculture and Natural Resources	Member	1:30 p.m. 431-N
Budget		
Agriculture and Natural Resources	Member	3:30 p.m. DSOB 783
Loganbill, Judith	Office: DSOB	785-296-7669
First Term 2001	District: 86	Democrat
Education	Member	9:00 a.m. DSOB 711
Federal and State Affairs	°R.M. Member	1:30 p.m. 143-N
Government Efficiency and Fiscal Oversight	Member	3:30 p.m. 535-N
Jt. Comm. on Kansas Security	Member	On Call
Long, Margaret	Office: DSOB	785-296-7643
First term 2/9/1998	District: 36	Democrat
Energy and Utilities	Member	9:00 a.m. DSOB 783
Transportation	°R.M. Member	1:30 p.m. DSOB 783
Jt. Comm. on Pensions, Investments and Benefits	Member	On Call
Select Committee on KPERS	Member	On Call
Lukert, Steve	Office: DSOB	785-296-7651
First term 1/3/2006	District: 62	Democrat
Taxation	Member	9:00 a.m. 535-N
Agriculture and Natural Resources	Member	1:30 p.m. 431-N
Budget		
Agriculture and Natural Resources	Member	3:30 p.m. DSOB 783
Jt. Comm. on State-Tribal Relations	Member	On Call
Mah, Ann	Office: DSOB	785-296-7668
First Term 2005	District: 53	Democrat
Education	Member	9:00 a.m. DSOB 711
Higher Education	°R.M. Member	1:30 p.m. DSOB 786
Local Government	Member	3:30 p.m. T/R 446-N
Maloney, Patrick	Office: DSOB	785-296-7647
First Term 2009	District: 116	Democrat
Transportation	Member	1:30 p.m. DSOB 783
Agriculture and Natural Resources	Member	3:30 p.m. DSOB 783
Mast, Peggy	Office: DSOB	785-296-7685
First Term 1997	District: 76	Republican
Appropriations	Member	9:00 a.m. 143-N
Health and Human Services	Member	1:30 p.m. DSOB 784
Social Services Budget	Chair	3:30 p.m. DSOB 786
Calendar and Printing	Member	On Call
Interstate Cooperation	Member	On Call
Legislative Budget	Member	On Call
Jt. Comm. on HCBS Oversight	Member	On Call

McCray-Miller, Melody First Term 2005 Taxation Corrections and Juvenile Justice Government Efficiency and Fiscal Oversight	Office: DSOB District: 89 Member °R.M. Member Member	785-296-7687 Democrat 9:00 a.m. 535-N 1:30 p.m. 535-N 3:30 p.m. 535-N
McLeland, Joe First Term 2001 Appropriations Higher Education Education Budget Jt. Comm. on Information Technology	Office: 503-N District: 94 Member Member Chair Chair	785-296-7681 Republican 9:00 a.m. 143-N 1:30 p.m. DSOB 786 3:30 p.m. 531-N On Call
Menghini, Julie First Term 2005 Taxation Transportation Elections Jt. Comm. on Kansas Security	Office: DSOB District: 3 °R.M. Member Member Member Member	785-296-7687 Democrat 9:00 a.m. 535-N 1:30 p.m. DSOB 783 3:30 p.m. M/W 446-N On Call
Merrick, Ray First term 1/6/2000 Calendar and Printing Interstate Cooperation Legislative Budget	Office: 384-W District: 27 Chair Vice-Chair Vice-Chair	785-296-7662 Republican On Call On Call On Call
Morrison, Jim First term 9/4/1992 Health and Human Services Government Efficiency and Fiscal Oversight Jt. Comm. on Information Technology	Office: 242-W District: 121 Member Chair Member	785-296-7676 Republican 1:30 p.m. DSOB 784 3:30 p.m. 535-N On Call
Moxley, Tom First Term 2007 Energy and Utilities Higher Education Agriculture and Natural Resources	Office: DSOB District: 68 Member Member Member	785-296-7641 Republican 9:00 a.m. DSOB 783 1:30 p.m. DSOB 786 3:30 p.m. DSOB 783
Myers, Don First Term 1993 Energy and Utilities Veterans, Military and Homeland Security Aging and Long Term Care Economic Development and Tourism	Office: 448-N District: 82 Member Chair Member Member	785-296-7695 Republican 9:00 a.m. DSOB 783 1:30 p.m. T/R DSOB 711 3:30 p.m. T/R DSOB 711 3:30 p.m. M/W DSOB 711
Navinsky, Don First Term 2/25/2009 Vision 2020 Veterans, Military and Homeland Security Agriculture and Natural Resources	Office: DSOB District: 40 Member Member Member	785-296-7668 Democrat 1:30 p.m. M/W DSOB 711 1:30 p.m. T/R DSOB 711 3:30 p.m. DSOB 783

Neighbor, Cindy First Term 2003-2004 (R); 2007 (D) Energy and Utilities Health and Human Services Financial Institutions Insurance Joint Committee on Energy and Environmental Policy	Office: DSOB District: 18 Member Member Member Member Member	785-296-7687 Democrat 9:00 a.m. DSOB 783 1:30 p.m. DSOB 784 3:30 p.m. M/W DSOB 784 3:30 p.m. T/R DSOB 784 On Call
Neufeld, Melvin First Term 1985-1988; 1991 - Education Federal and State Affairs Government Efficiency and Fiscal Oversight	Office: 161-W District: 115 Member Chair Member	785-296-7686 Republican 9:00 a.m. DSOB 711 1:30 p.m. 143-N 3:30 p.m. 535-N
O'Brien, Connie First Term 2009 Energy and Utilities Federal and State Affairs Elections Aging and Long Term Care	Office: DSOB District: 42 Member Member Member Member	785-296-7682 Republican 9:00 a.m. DSOB 783 1:30 p.m. 143-N 3:30 p.m. M/W 446-N 3:30 p.m. T/R DSOB 711
O'Neal, Michael (Mike) First Term 1985 Calendar and Printing Interstate Cooperation Legislative Budget	Office: 390-W District: 104 Vice-Chair Member Member	296-2302 Republican On Call On Call On Call
Olson, Robert (Rob) First Term 2005 Energy and Utilities Federal and State Affairs Financial Institutions Insurance Select Committee on KPERS	Office: DSOB District: 26 Member Member Member Member Member	785-296-7632 Republican 9:00 a.m. DSOB 783 1:30 p.m. 143-N 3:30 p.m. M/W DSOB 784 3:30 p.m. T/R DSOB 784 On Call
Otto, Bill First Term 2005 Education Health and Human Services Elections Local Government Jt. Comm. on Children's Issues	Office: DSOB District: 9 Member Member Member Member Member	785-296-6014 Republican 9:00 a.m. DSOB 711 1:30 p.m. DSOB 784 3:30 p.m. M/W 446-N 3:30 p.m. T/R 446-N On Call
Palmer, Shirley First Term 2007 Commerce and Labor Higher Education Agriculture and Natural Resources Jt. Comm. on Administrative Rules and Regulations	Office: DSOB District: 4 Member Member Member Member	785-296-7698 Democrat 9:00 a.m. DSOB 784 1:30 p.m. DSOB 786 3:30 p.m. DSOB 783 On Call

Patton, Joe	Office: DSOB	785-296-7699
First Term 2007	District: 54	Republican
Corrections and Juvenile Justice	Vice-Chair	1:30 p.m. 535-N
Judiciary	Member	3:30 p.m. 143-N
Jt. Comm. on Administrative Rules and Regulations	Member	On Call
Jt. Comm. on Corrections and Juvenile Justice Oversight	Member	On Call
Jt. Comm. on Special Claims Against the State	Member	On Call
Pauls, Janice	Office: DSOB	785-296-7657
First term 9/4/1991	District: 102	Democrat
Corrections and Juvenile Justice	Member	1:30 p.m. 535-N
Judiciary	*R.M. Member	3:30 p.m. 143-N
Rules and Journal	Member	On Call
Jt. Comm. on Administrative Rules and Regulations	Member	On Call
Peck, Virgil	Office: DSOB	785-296-7641
First Term 2005	District: 11	Republican
Taxation	Member	9:00 a.m. 535-N
Transportation	Member	1:30 p.m. DSOB 783
Financial Institutions	Member	3:30 p.m. M/W DSOB 784
Insurance	Vice-Chair	3:30 p.m. T/R DSOB 784
Jt. Comm. on Legislative Post Audit	Chair	On Call
Peterson, Michael	Office: 222-W	785-296-7691
First Term 1979-1990;2005	District: 37	Democrat
Federal and State Affairs	Member	1:30 p.m. 143-N
Local Government	Member	3:30 p.m. T/R 446-N
Elections	Member	3:30 p.m. M/W 446-N
Phelps, Eber	Office: 222-W	785-296-7691
First Term 1997	District: 111	Democrat
Education	Member	9:00 a.m. DSOB 711
Veterans, Military and Homeland Security	Member	1:30 p.m. T/R DSOB 711
Aging and Long Term Care	Member	3:30 p.m. T/R DSOB 711
Legislative Budget	Member	On Call
Pottorff, Jo Ann	Office: 122-W	785-296-7501
First Term 1985	District: 83	Republican
Commerce and Labor	Member	9:00 a.m. DSOB 784
General Government Budget	Member	1:30 p.m. 531-N
Transportation and Public Safety Budget	Member	3:30 p.m. 136-N
Jt. Comm. on State Building Construction	Chair	On Call
Powell, Larry	Office: 142-W	785-296-7694
First Term 2001	District: 117	Republican
Taxation	Member	9:00 a.m. 535-N
Agriculture and Natural Resources Budget	Vice-Chair	1:30 p.m. 431-N
Agriculture and Natural Resources	Chair	3:30 p.m. DSOB 783

Prescott, William First Term 2009 Commerce and Labor Higher Education Agriculture and Natural Resources	Office: DSOB District: 59 Member Member Member	785-296-6014 Republican 9:00 a.m. DSOB 784 1:30 p.m. DSOB 786 3:30 p.m. DSOB 783
Proehl, Richard First term 12/21/2005 Energy and Utilities Transportation Financial Institutions Insurance	Office: DSOB District: 7 Member Member Vice-Chair Member	785-296-7639 Republican 9:00 a.m. DSOB 783 1:30 p.m. DSOB 783 3:30 p.m. M/W DSOB 784 3:30 p.m. T/R DSOB 784
Quigley, Jill First Term 2008 Commerce and Labor Health and Human Services Transportation and Public Safety Budget	Office: DSOB District: 17 Member Member Member	785-296-7682 Republican 9:00 a.m. DSOB 784 1:30 p.m. DSOB 784 3:30 p.m. 136-N
Rardin, Gene First Term 2007 Taxation Transportation Education Budget	Office: DSOB District: 16 Member Member Member	785-296-7698 Democrat 9:00 a.m. 535-N 1:30 p.m. DSOB 783 3:30 p.m. 531-N
Rhoades, Marc First Term 2007 Taxation Higher Education Social Services Budget Jt. Comm. on State-Tribal Relations	Office: DSOB District: 72 Member Vice-Chair Vice-Chair Member	785-296-7696 Republican 9:00 a.m. 535-N 1:30 p.m. DSOB 786 3:30 p.m. DSOB 786 On Call
Roth, Charles First term 2/7/2005 Education Corrections and Juvenile Justice Government Efficiency and Fiscal Oversight	Office: DSOB District: 71 Member Member Member	785-296-7689 Republican 9:00 a.m. DSOB 711 1:30 p.m. 535-N 3:30 p.m. 535-N
Ruiz, Louis First Term 2005 Commerce and Labor Federal and State Affairs Government Efficiency and Fiscal Oversight Jt. Comm. on Health Policy Oversight	Office: DSOB District: 32 *R.M. Member Member Member Member	785-296-7122 Democrat 9:00 a.m. DSOB 784 1:30 p.m. 143-N 3:30 p.m. 535-N On Call
Sawyer, Tom First Term 1987-1998; 2003 Appropriations General Government Budget Elections Rules and Journal Jt. Comm. on Legislative Post Audit Jt. Comm. on State-Tribal Relations	Office: DSOB District: 95 Member Member *R.M. Member Vice-Chair Member Member	785-296-7650 Democrat 9:00 a.m. 143-N 1:30 p.m. 531-N 3:30 p.m. M/W 446-N On Call On Call On Call

Schroeder, Don First Term 2007 Taxation Health and Human Services Agriculture and Natural Resources	Office: DSOB District: 74 Member Member Member	785-296-7636 Republican 9:00 a.m. 535-N 1:30 p.m. DSOB 784 3:30 p.m. DSOB 783
Schwab, Scott First Term 2003-2006; 2009 Commerce and Labor Health and Human Services Elections Aging and Long Term Care	Office: DSOB District: 49 Member Member Vice-Chair Member	785-296-7655 Republican 9:00 a.m. DSOB 784 1:30 p.m. DSOB 784 3:30 p.m. M/W 446-N 3:30 p.m. T/R DSOB 711
Schwartz, Sharon First Term 1997 Taxation Transportation Economic Development and Tourism Local Government Select Committee on KPERS Jt. Comm. on Economic Development	Office: 161-W District: 106 Member Member Member Chair Chair Member	785-296-7637 Republican 9:00 a.m. 535-N 1:30 p.m. DSOB 783 3:30 p.m. M/W DSOB 711 3:30 p.m. T/R 446-N On Call On Call
Seiwert, Joe First Term 2009 Energy and Utilities Vision 2020 Veterans, Military and Homeland Security Economic Development and Tourism Local Government Jt. Comm. on Economic Development	Office: DSOB District: 101 Member Member Member Member Member Member Member	785-296-7689 Republican 9:00 a.m. DSOB 783 1:30 p.m. M/W DSOB 711 1:30 p.m. T/R DSOB 711 3:30 p.m. M/W DSOB 711 3:30 p.m. T/R 446-N On Call
Shultz, Clark First Term 1997 Health and Human Services Financial Institutions Insurance Rules and Journal Select Committee on KPERS	Office: 141-W District: 73 Member Member Chair Chair Vice-Chair	785-296-7684 Republican 1:30 p.m. DSOB 784 3:30 p.m. M/W DSOB 784 3:30 p.m. T/R DSOB 784 On Call On Call
Siegfried, Arlen First Term 2003 Taxation Health and Human Services Calendar and Printing Interstate Cooperation Legislative Budget	Office: 330-N District: 15 Member Member Member Chair Member	785-291-3500 Republican 9:00 a.m. 535-N 1:30 p.m. DSOB 784 On Call On Call On Call
Slattery, Mike First Term 2009 Health and Human Services Economic Development and Tourism Local Government Jt. Comm. on Economic Development	Office: DSOB District: 24 Member Member Member Member	785-296-7665 Democratic 1:30 p.m. DSOB 784 3:30 p.m. M/W DSOB 711 3:30 p.m. T/R 446-N On Call

Sloan, Tom First Term 1995 Energy and Utilities Vision 2020 Government Efficiency and Fiscal Oversight Joint Committee on Energy and Environmental Policy	Office: DSOB District: 45 Member Chair Member Member	785-296-7654 Republican 9:00 a.m. DSOB 783 1:30 p.m. M/W DSOB 711 3:30 p.m. 535-N On Call
Spalding, Sheryl First Term 2007 Education Corrections and Juvenile Justice Government Efficiency and Fiscal Oversight	Office: DSOB District: 29 Member Member Member	785-296-7644 Republican 9:00 a.m. DSOB 711 1:30 p.m. 535-N 3:30 p.m. 535-N
Svaty, Joshua First Term 2003 Energy and Utilities Agriculture and Natural Resources Joint Committee on Energy and Environmental Policy	Office: DSOB District: 108 Member *R.M. Member Member	785-296-7647 Democrat 9:00 a.m. DSOB 783 3:30 p.m. DSOB 783 On Call
Swanson, Vern First Term 2007 Energy and Utilities Transportation Transportation and Public Safety Budget	Office: DSOB District: 64 Member Member Vice-Chair	785-296-7696 Republican 9:00 a.m. DSOB 783 1:30 p.m. DSOB 783 3:30 p.m. 136-N
Swenson, Dale First Term 95-08(R); 09(D) Federal and State Affairs Financial Institutions Insurance Jt. Comm. on Arts and Cultural Resources	Office: DSOB District: 97 Member Member Member Member	785-296-7677 Democrat 1:30 p.m. 143-N 3:30 p.m. M/W DSOB 784 3:30 p.m. T/R DSOB 784 On Call
Tafanelli, Lee First Term 2001-2004; 2006 Appropriations Vision 2020 Veterans, Military and Homeland Security Transportation and Public Safety Budget Jt. Comm. on Kansas Security	Office: DSOB District: 47 Member Member Member Chair Member	785-296-7639 Republican 9:00 a.m. 143-N 1:30 p.m. M/W DSOB 711 1:30 p.m. T/R DSOB 711 3:30 p.m. 136-N On Call
Talia, Milack First Term 2009 Energy and Utilities General Government Budget Judiciary	Office: DSOB District: 23 Member Member Member	785-296-7651 Democratic 9:00 a.m. DSOB 783 1:30 p.m. 531-N 3:30 p.m. 143-N

Tietze, Annie	Office: DSOB	785-296-7669	
First Term 2007	District: 56	Democrat	
Commerce and Labor	Member	9:00 a.m.	DSOB 784
Federal and State Affairs	Member	1:30 p.m.	143-N
Judiciary	Member	3:30 p.m.	143-N
Trimmer, Ed	Office: DSOB	785-296-7122	
First term 8/19/2005	District: 78	Democrat	
Education	Member	9:00 a.m.	DSOB 711
Health and Human Services	Member	1:30 p.m.	DSOB 784
Government Efficiency and Fiscal Oversight	*R.M. Member	3:30 p.m.	535-N
Jt. Comm. on Administrative Rules and Regulations	Member	On Call	
Vickrey, Jene	Office: DSOB	785-296-6014	
First Term 1993	District: 6	Republican	
Education	Member	9:00 a.m.	DSOB 711
Transportation	Vice-Chair	1:30 p.m.	DSOB 783
Government Efficiency and Fiscal Oversight	Member	3:30 p.m.	535-N
Ward, Jim	Office: 281-W	785-296-7675	
First Term 2003	District: 88	Democrat	
Health and Human Services	Member	1:30 p.m.	DSOB 784
Judiciary	Member	3:30 p.m.	143-N
Calendar and Printing	*R.M. Member	On Call	
Interstate Cooperation	Member	On Call	
Legislative Budget	Member	On Call	
Jt. Comm. on Corrections and Juvenile Justice Oversight	Member	On Call	
Watkins, Jason	Office: 135-N	785-296-1769	
First Term 2005	District: 105	Republican	
Appropriations	Vice-Chair	9:00 a.m.	143-N
General Government Budget	Chair	1:30 p.m.	531-N
Judiciary	Member	3:30 p.m.	143-N
Wetta, Vincent	Office: DSOB	785-296-7665	
First Term 2007	District: 80	Democrat	
Energy and Utilities	Member	9:00 a.m.	DSOB 783
Transportation	Member	1:30 p.m.	DSOB 783
Agriculture and Natural Resources	Member	3:30 p.m.	DSOB 783
Jt. Comm. on Pensions, Investments and Benefits	Member	On Call	
Whitham, Jeff	Office: DSOB	785-296-7671	
First Term 2007	District: 123	Republican	
Appropriations	Member	9:00 a.m.	143-N
General Government Budget	Member	1:30 p.m.	531-N
Judiciary	Vice-Chair	3:30 p.m.	143-N
Rules and Journal	Member	On Call	
Select Committee on KPERS	Member	On Call	

Williams, Jerry	Office: DSOB	785-296-7650
First Term 2001	District: 8	Democrat
Appropriations	Member	9:00 a.m. 143-N
Agriculture and Natural Resources	Member	1:30 p.m. 431-N
Budget		
Aging and Long Term Care	*R.M. Member	3:30 p.m. T/R DSOB 711
Winn, Valdenia	Office: DSOB	785-296-6838
First Term 2001	District: 34	Democrat
Education	*R.M. Member	9:00 a.m. DSOB 711
Higher Education	Member	1:30 p.m. DSOB 786
Economic Development and Tourism	Member	3:30 p.m. M/W DSOB 711
Jt. Comm. on Children's Issues	Member	On Call
Jt. Comm. on Economic Development	Member	On Call
Wolf, Kay	Office: DSOB	785-296-7663
First term 8/8/2005	District: 21	Republican
Taxation	Member	9:00 a.m. 535-N
Vision 2020	Member	1:30 p.m. M/W DSOB 711
Veterans, Military and Homeland Security	Member	1:30 p.m. T/R DSOB 711
Judiciary	Member	3:30 p.m. 143-N
Jt. Comm. on State-Tribal Relations	Member	On Call
Wolf, William	Office: DSOB	785-296-7653
First Term 2007	District: 112	Republican
Commerce and Labor	Member	9:00 a.m. DSOB 784
Transportation	Member	1:30 p.m. DSOB 783
Agriculture and Natural Resources	Member	3:30 p.m. DSOB 783
Worley, Ron	Office: DSOB	785-296-7653
First Term 2007	District: 30	Republican
Commerce and Labor	Member	9:00 a.m. DSOB 784
Transportation	Member	1:30 p.m. DSOB 783
Aging and Long Term Care	Member	3:30 p.m. T/R DSOB 711
Economic Development and Tourism	Member	3:30 p.m. M/W DSOB 711
Yoder, Kevin	Office: 140-N	785-296-7693
First Term 2003	District: 20	Republican
Appropriations	Chair	9:00 a.m. 143-N
Judiciary	Member	3:30 p.m. 143-N
Legislative Budget	Chair	On Call

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

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

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

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

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

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

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

the members then elected (or appointed) and qualified shall vote to pass the bill, it shall be sent, with the veto message, to the other house, which shall in not more than thirty calendar days (excluding the day received) also reconsider the bill, and if approved by two-thirds of the members then elected (or appointed) and qualified, it shall become a law, notwithstanding the governor's veto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**State of Kansas
2009-2010**

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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 2/3 of the members then elected (or appointed) and qualified in each house shall be required for the amendment, suspension or revocation of a joint rule.

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

Joint rule 2. Joint sessions. (a) *Joint session called by concurrent resolution; vote required; time, place and subject matter.* A joint session of the senate and house of representatives may be called by concurrent resolution adopted by the affirmative vote of not less than a majority of the members elected (or appointed) and qualified in each house of the legislature or as may otherwise be prescribed by law. Any such resolution shall fix the time and place of the joint session, and the subject matter to be considered at the joint session. Joint sessions shall consider only such matters as are prescribed by law or by the concurrent resolution calling such joint session.

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

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

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

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

concurrent resolution on a motion to concur in amendments to such bill or concurrent resolution by the other house shall be considered action on the final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has been appointed and action has not been taken upon the report of such committee by the other house and such motion fails, the bill or concurrent resolution shall not be deemed to have been killed thereby, but if the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has not been appointed and such motion fails, the bill or concurrent resolution shall be deemed to be killed.

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

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

(e) *Membership; appointment; chairperson; house of origin of substitute or materially changed bill or concurrent resolution; meetings of conference committee.* Each conference committee shall consist of three members of the senate and three members of the house of representatives, unless otherwise fixed by agreement of the president of the senate and speaker of the house. Senate members shall be appointed by the president of the senate and house members shall be appointed by the speaker of the house of representatives. The president or the speaker may replace any conferee previously appointed by such person. Not less than one member appointed from each house shall be a member of the minority political party of such house except when such representation for such house is waived by the minority leader of such

house. In all cases, the first-named member of the house of origin of the bill or concurrent resolution assigned to the committee shall be chairperson of the conference committee. The house of origin of a substitute bill or substitute concurrent resolution shall be the house in which the bill or concurrent resolution in its original form was introduced. The chairperson of a conference committee on a bill or concurrent resolution the subject matter of which has been ruled to be materially changed shall be a member of the house which amended the bill or concurrent resolution to materially change the subject matter. Each conference committee shall meet on the call of its chairperson. All meetings of conference committees shall be open to the public and no meeting shall be adjourned to another time or place in order to subvert such policy.

(f) *Conference committee reports; subject matters which may be included; report not subject to amendment; house which acts first on report; copies of reports; reports considered under any order of business.* Only subject matters which are or have been included in the bill or concurrent resolution in conference or in bills or concurrent resolutions which have been passed or adopted in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution except in any appropriations bill there may be included a proviso relating to any such item of appropriation. A conference committee report shall not be subject to amendment. The original signed conference committee report shall be submitted to and acted upon first by the house other than the house of origin of the bill or concurrent resolution. Except when a conference committee report is an agree to disagree coupled with a request that a new conference committee be appointed or is a recommendation to accede to or recede from all amendments of the second house electronic and paper copies of the report shall be made available to all members of the house considering the report not later than 30 minutes before the time of its consideration, except that if the report is more than six pages in length no paper copies will be required to be distributed to individual members provided that at least 10 paper copies of the report are made available to members at the clerk's or secretary's desk at the front of the respective house. By written notice, the majority leader may direct the clerk or secretary to increase from six pages to some greater number of pages the size of conference committee reports that need not be distributed by paper copies to individual members pursuant to this rule. The affirmative vote of 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 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 p.m. on January 30, 2009, during the 2009 regular session and on February 4, 2010, during the 2010 regular session.

(d) *Bill introduction deadline for certain committees.* Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 6, 2009, during the 2009 regular session and on February 12, 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, 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, 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.

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**

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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:

1. Aging and Long-term Care	13
2. Agriculture and Natural Resources	19
3. Appropriations	23
4. Calendar and Printing	7
5. Commerce and Labor	19
6. Corrections and Juvenile Justice	11
7. Economic Development and Tourism	13
8. Education	19
9. Elections	11
10. Energy and Utilities	21
11. Federal and State Affairs	21
12. Financial Institutions	13
13. Government Efficiency and Fiscal Oversight	15
14. Health and Human Services	19
15. Higher Education	11
16. Insurance	13
17. Interstate Cooperation	7
18. Judiciary	19
19. Local Government	11
20. Rules and Journal	5
21. Taxation	23
22. Transportation	19
23. Veterans, Military and Homeland Security	15
24. 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 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.

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 9
- 2. Education budget committee 8
- 3. General government budget committee 9
- 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.
- (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 $\frac{2}{3}$ 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 $\frac{2}{3}$ 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 $\frac{2}{3}$ 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 $\frac{2}{3}$ 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 $\frac{2}{3}$ majority vote of those members elected (or appointed) and qualified of the House of Representatives.

JOURNAL
OF THE
HOUSE

2009 REGULAR SESSION
JANUARY 12, 2009 THROUGH ADJOURNMENT JUNE 4, 2009

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

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, December 1, 2008, 10:00 a.m.

In accordance with the provisions of K.S.A. 40-142, those members elected at the General Elections, November 4, 2008, convened at 10:00 a.m.

The meeting was called to order by Janet Chubb, Assistant Secretary of State, who presented the following certification.

**State of Kansas
Secretary of State**

I, RON THORNBURGH, Secretary of State, do hereby certify that the following persons were elected members of the House of Representatives of the State of Kansas for a two year term beginning on the second Monday of January, A.D. 2009.

District

1st — Doug Gatewood
2nd — Robert “Bob” Grant
3rd — Julie Menghini
4th — Shirley J. Palmer
5th — Bill Feuerborn
6th — Jene Vickrey
7th — Richard J. Proehl
8th — Jerry D. Williams
9th — Bill Otto
10th — Tony Brown
11th — Virgil Peck Jr.
12th — Jeff King
13th — Forrest Knox
14th — Lance Kinzer
15th — Arlen H. Siegfried
16th — Gene Rardin
17th — Jill Quigley
18th — Cindy Neighbor
19th — Dolores Furtado
20th — Kevin Yoder
21st — Kay Wolf
22nd — Lisa Benlon
23rd — Milack Talia
24th — Mike Slattery
25th — Terrie W. Huntington
26th — Rob Olson
27th — Ray Merrick
28th — Pat Colloton
29th — Sheryl Spalding
30th — Ron Worley
31st — Stan Frownfelter
32nd — Louis E. Ruiz
33rd — Tom Burroughs
34th — Valdenia C. Winn

District

35th — Broderick Henderson
36th — Margaret Long
37th — Michael J. (Mike) Peterson
38th — Anthony R. Brown
39th — Owen Donohoe
40th — Melanie Sanders Meier
41st — Marti Crow
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46th — Paul Davis
47th — Lee Tafanelli
48th — Marvin G. Kleeb
49th — Scott Schwab
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51st — Mike Burgess
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53rd — Ann E. Mah
54th — Joe Patton
55th — Annie Kuether
56th — Annie Tietze
57th — Sean Gatewood
58th — Harold Lane
59th — William R. Prescott
60th — Don Hill
61st — Richard Carlson
62nd — Steve Lukert
63rd — Jerry Henry
64th — Vern Swanson
65th — Barbara Craft
66th — Sydney Carlin
67th — Tom Hawk
68th — Tom J. Moxley

District

69th — Deena L. Horst
 70th — J. Robert Brookens
 71st — Charlie Roth
 72nd — Marc Rhoades
 73rd — Clark Shultz
 74th — Don Schroeder
 75th — John C. Grange
 76th — Peggy L. Mast
 77th — David Crum
 78th — Ed Trimmer
 79th — Kasha Kelley
 80th — Vincent Wetta
 81st — Peter DeGraaf
 82nd — Don V. Myers
 83rd — Jo Ann Pottorff
 84th — Gail Finney
 85th — Steven Brunk
 86th — Judith Loganbill
 87th — Raj Goyle
 88th — Jim Ward
 89th — Melody McCray-Miller
 90th — Steve Huebert
 91st — Brenda Landwehr
 92nd — Nile Dillmore
 93rd — Dan Kerschen
 94th — Joe McLeland
 95th — Tom Sawyer
 96th — Phil Hermanson
 97th — Dale A. Swenson

District

98th — Geraldine Flaharty
 99th — Aaron Jack
 100th — Mario Goico
 101st — Joe Seiwert
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 108th — Joshua Svaty
 109th — Clay Aurand
 110th — Dan Johnson
 111th — Eber Phelps
 112th — Bill Wolf
 113th — Bob Bethell
 114th — Mitch Holmes
 115th — Melvin J. Neufeld
 116th — Dennis McKinney
 117th — Larry R. Powell
 118th — Don Hineman
 119th — Pat George
 120th — John M. Faber
 121st — Jim Morrison
 122nd — Gary K. Hayzlett
 123rd — Jeff Whitham
 124th — Bill Light
 125th — Carl D. Holmes

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed my official seal this 1st day of December, A.D. 2008.

RON THORNBURGH
Secretary of State
 JANET A. CHUBB
Assistant Secretary of State

Member-elect Louis Ruiz was absent.

Assistant Secretary of State Janet Chubb appointed Don Dahl to serve as temporary chairperson.

Mr. Dahl announced the meeting would recess until the sound of the gavel for the respective party caucuses.

Mr. Dahl called the meeting to order pursuant to recess.

Majority Party Caucus Chairperson Virgil Peck submitted the following report:

The members-elect of the majority party of the House of Representatives have met and caucused as required by K.S.A. 46-142, and:

- (a) Nominate as their candidates for the following offices for the next ensuing biennium:
 - (1) Speaker of the House of Representatives, Michael R. "Mike" O'Neal
 - (2) Speaker Pro Tem of the House of Representatives, Arlen H. Siegfried
- (b) Select the following caucus or party officers:
 - (1) Majority Leader, Ray Merrick
 - (2) Assistant Majority Leader, Peggy Mast
 - (3) Majority Whip, Rob Olson
 - (4) Caucus Chairperson, Virgil Peck Jr.

Minority Party Agenda Chairperson Marti Crow submitted the following report:

The members-elect of the minority party of the House of Representatives have met and caucused as required by K.S.A. 46-142, and have selected the following caucus or party officers.

- (a) Minority Leader, Paul Davis
- (b) Assistant Minority Leader, Jim Ward
- (c) Minority Whip, Eber Phelps
- (d) Agenda Chairperson, Marti Crow
- (e) Caucus Chairperson, Barbara Ballard
- (f) Policy Chairperson, Cindy Neighbor

On motion of Member-Elect Merrick, the caucus reports were received and ordered entered into the Journal.

On motion of Member-Elect Davis, the following preorganizational resolution was adopted.

HOUSE PREORGANIZATIONAL MEETING RESOLUTION

A Resolution concerning seating of members of the House of Representatives during the 2009 regular session of the legislature.

Be it resolved by the Members-Elect of the House of Representatives: Members of the majority party shall occupy all seats on the south side of the center aisle of the house chamber and in addition thereto such seats on the north side of the center aisle of the house chamber as needed. Members of the minority party shall occupy the remaining seats on the north side of the center aisle of the house chamber. The candidate of the majority party for speaker and minority leader shall prepare seat designations for members of the respective parties.

Mr. Dahl declared the House adjourned until 2:00 p.m., Monday, January 12, 2009.

Journal of the House

FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, January 12, 2009, 2:00 p.m.

This being the day fixed by the Constitution of the State of Kansas for the assembling of the 2009 session of the legislature, the House of Representatives was called to order at 2:00 p.m. by Brad Bryant, Deputy Assistant for the Secretary of State.

Prayer by Clint Decker, President and Evangelist, Great Awakenings, Inc., Clay Center, and husband of former Rep. Kathe Decker:

Almighty God, Creator of heaven and earth, you say of yourself, “for I am a great king” (The Bible, Malachi 1:4). It is from your throne in heaven long ago that you instituted the system of human government. Then you said those who served in it were, “servants of God.” Father in heaven, as we begin this 2009 legislative session, I pray that these state representatives may be good stewards of the authority and influence that you have entrusted them with. When the temptation comes to surrender to greed, deceit or selfish ambition may they quickly choose the wiser path. May they choose to walk humbly, govern without favoritism or partiality and be an equal voice for all. In addition, I pray for your undeserved mercy and ask for a blanket of divine protection across this state in 2009. Protect us from natural disasters that bring destruction of life and property. Protect us from further economic hardship. Protect us from the violence and crime we see in our neighborhoods. You are our only genuine and lasting hope. May every soul in this chamber and across this state, hear and receive this life-giving hope, the good news of Jesus Christ and may all honor you and your son as the great king you are. In the name of Jesus, I pray, Amen.

The Pledge of Allegiance was led by Rep. Mast.

Deputy Assistant for the Secretary of State Brad Bryant announced the appointment of Susan Kannarr as temporary Chief Clerk of the House.

**OFFICE OF THE GOVERNOR
STATE OF KANSAS
CERTIFICATE OF APPOINTMENT**

I, KATHLEEN SEBELIUS, Governor of the State of Kansas, hereby appoint and commission Patrick Maloney as State Representative, District 116, and authorize this appointee to discharge the duties of this office upon fulfilling all legal requirements.

Signed this 6th day of January, 2009.

KATHLEEN SEBELIUS
Governor

**STATE OF KANSAS
OFFICE OF
SECRETARY OF STATE**

I, RON THORNBURGH, Secretary of State of the State of Kansas, do hereby certify that Patrick Maloney was appointed by the Governor effective January 6, 2009, for the unexpired

term One Hundred Sixteenth District of the House of Representatives, to fill the vacancy created by the resignation of Dennis McKinney.

IN TESTIMONY WHEREOF, I hereunto subscribed my name and caused to be affixed my official seal this 9th day of January, A.D. 2009.

RON THORNBURGH
Secretary of State

**STATE OF KANSAS
OFFICE OF
SECRETARY OF STATE**

I, RON THORNBURGH, Secretary of State, do hereby certify that the following persons were elected members of the House of Representatives of the State of Kansas for a two-year term beginning on the second Monday of January, A.D. 2009.

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed my official seal. Done at the city of Topeka this 1st day of December, A.D. 2008.

RON THORNBURGH
Secretary of State

Members of the House of Representatives were then called in blocks of ten, came forward, took and subscribed, or affirmed, to their respective oaths of office, administered to them by Chief Justice Robert Davis, Kansas Supreme Court, as follows:

State of Kansas, County of Shawnee, ss:

We, and each of us, do solemnly swear or affirm, that we will support the constitution of the United States and the constitution of the State of Kansas, so help us God.

District

1st — Doug Gatewood
2nd — Robert “Bob” Grant
3rd — Julie Menghini
4th — Shirley J. Palmer
5th — Bill Feuerborn
6th — Jene Vickrey
7th — Richard J. Proehl
8th — Jerry D. Williams
9th — Bill Otto
10th — Tony Brown
11th — Virgil Peck Jr.
12th — Jeff King
13th — Forrest Knox
14th — Lance Kinzer
15th — Arlen H. Siegfried
16th — Gene Rardin
17th — Jill Quigley
18th — Cindy Neighbor
19th — Dolores Furtado
20th — Kevin Yoder
21st — Kay Wolf
22nd — Lisa Benlon
23rd — Milack Talia
24th — Mike Slattery
25th — Terrie W. Huntington
26th — Rob Olson
27th — Ray Merrick
28th — Pat Colloton
29th — Sheryl Spalding
30th — Ron Worley
31st — Stan Frownfelter

District

32nd — Louis E. Ruiz
33rd — Tom Burroughs
34th — Valdenia C. Winn
35th — Broderick Henderson
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53rd — Ann E. Mah
54th — Joe Patton
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56th — Annie Tietze
57th — Sean Gatewood
58th — Harold Lane
59th — William R. Prescott,
60th — Don Hill
61st — Richard Carlson
62nd — Steve Lukert

District

63rd — Jerry Henry
 64th — Vern Swanson
 65th — Barbara Craft
 66th — Sydney Carlin
 67th — Tom Hawk
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 72nd — Marc Rhoades
 73rd — Clark Shultz
 74th — Don Schroeder
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 76th — Peggy L. Mast
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 80th — Vincent Wetta
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 99th — Aaron Jack
 100th — Mario Goico
 101st — Joe Seiwert
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 106th — Sharon Schwartz
 107th — Elaine S. Bowers
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 112th — Bill Wolf
 113th — Bob Bethell
 114th — Mitch Holmes
 115th — Melvin J. Neufeld
 116th — Patrick Maloney
 117th — Larry R. Powell
 118th — Don Hineman
 119th — Pat George
 120th — John M. Faber
 121st — Jim Morrison
 122nd — Gary K. Hayzlett
 123rd — Jeff Whitham
 124th — Bill Light
 125th — Carl D. Holmes

Subscribed and sworn to, or affirmed, before me this 12th day of January, 2009.

ROBERT DAVIS

Chief Justice of the Supreme Court

Nominations being in order for speaker, Rep. Peck nominated Rep. Michael O'Neal for Speaker of the House. There being no further nominations, Rep. Davis moved the nominations be closed, and that the temporary clerk be instructed to cast a unanimous ballot for Rep. O'Neal as Speaker of the House of Representatives. The motion prevailed.

Deputy Assistant for the Secretary of State Brad Bryant requested Rep. O'Neal to approach the bar for the oath of office.

Speaker-elect O'Neal subscribed to the following oath of office, which was administered by Chief Justice 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 Speaker of the House of Representatives, so help me God. Subscribed and sworn to before me this 12th day of January, 2009.

ROBERT DAVIS

Chief Justice of the Supreme Court

Speaker O'Neal addressed the following remarks to the members of the House:

As a long time student and admirer of the legislative process, it's such an honor to be given the opportunity to lead this great body for the next term. Thank you. It's hard to believe that this session marks my silver anniversary serving in these hallowed halls. I owe special thanks to my incredible wife, Cindy, whose confidence that I would ultimately succeed in this endeavor never wavered. Thanks too, to our special kids, Haley and Austin, for patiently putting up with their legislative Dad all these years. I began my service here before they were born and they'll graduate from KU before I'm finished here. I hope they're even *half* as proud of me as I am of them.

I don't need to remind anyone here today of the unprecedented challenges we face over the next two years. We're at the height of the physical disruption occasioned by our commitment to restore and preserve our State Capital. At the same time, we're facing a huge and daunting budget deficit that will take all of our collective will, wisdom and resources to resolve. As we begin this new term, we welcome to our legislative family a great class of newly elected members. The election "honeymoon" is over. I'm sure you're eager to get to work! Welcome back, as well, our returning veterans from both sides of the aisle. Thank you all for offering yourselves up for public service. Henry Ford once remarked that: **"Coming together is a beginning. Keeping together is progress. Working together is success."** So, it's not enough that we have gathered here today and have jointly taken our respective oaths of office. Exciting as today is, it's only a beginning. We must pledge to stay together, through the thick and thin of the session, and, more importantly, work together to achieve what our constituents sent us here to do. If we keep our noses to the grindstone and our eyes on the horizon, we'll get through this challenging time and Kansas will be better for it.

We were duly elected to these House seats, but we don't own them. They are not ours. These are seats we hold in trust. This is the People's House. We are the People's Representatives. We are, without a doubt, a special and select group. After all, we're only 125 of over 2.8 million Kansans who have the unique distinction of serving in this beautiful Chamber. But, don't ever forget; this House was here long before us and will survive long after we're gone. Over 5000 House members have served here since statehood (most days Representatives Pottorff, Carl Holmes, Neufeld and I feel like we've served with at least half of them). So, in the context of Kansas history our time here is pretty short, but make no mistake, what we do here this term will have a profound effect on the future of our great State. Our constituents are counting on us to put our respective differences aside and pull together to right the ship of state. In that regard I look forward to working with Minority Leader Davis, whom I've particularly enjoyed working with on the Judiciary Committee in the past and for whom I have great respect.

It's worth repeating Albert Einstein's famous warning: **"We can't solve problems by using the same kind of thinking we used when we created them."** We have been burdened with a huge financial challenge. But, on the other hand, we've been handed a *huge* opportunity to *fundamentally* change the way we approach the budget and the financial challenges we face. To that end, we have put together a mix of committees, committee leadership and committee membership that is well suited to attack the problems we face and approach these problems like we never have before. Our constituents, our Kansas taxpayers, are watching us. They're counting on us. They have placed their trust in us to do right by them.

We must get a handle on state spending. We must be fiscally responsible. And, we must put Kansas in the best possible competitive position for future economic growth. Having a system of education second to none will ring hollow if our children choose to leave Kansas for greener pastures elsewhere. Kansas is the best place to live. It must also be the best place to work.

As your leader this term I promise not to lead in a vacuum, nor will I try to micromanage the agenda. Teddy Roosevelt said it best: **"The best executive is one who has sense enough to pick good people to do what he wants done, and self-restraint enough to keep from meddling with them while they do it."** A wise man has many counselors and I will seek counsel from all corners and from both sides of the aisle. And, as Harry Truman once observed: **"It's amazing what you can accomplish if you do not care who gets the credit."**

Between the coming together as a body and the working together as a body come civility, collegiality and mutual respect. Make it your resolution for this term to get to know your colleagues personally. With the ones you already know, or think you know, get to know them better. Take time to walk a mile in their shoes. We come from all corners of the state and all walks of life. We bring a host of life and work experiences, both good and bad, to the legislative process. We devote ourselves to this part-time legislature by sacrificing time with our families and at our regular jobs to come to Topeka and do the Peoples' work and then return to our homes and communities to live along side our neighbors with the decisions we made during the session. Respect each other as colleagues of this honorable and noble institution. When we disagree, let's not be disagreeable.

I want everyone in this room to look back on this experience with pride and a sense of satisfaction that, whatever the outcome, you served your constituents and your state with integrity and served alongside fellow colleagues with respect. Some of your greatest memories will be from your days here. Some of your best friends will be made here. Enjoy the experience and, then, pay it forward. We don't have the funds or resources to solve every problem but each of you *does* have the power to make a difference in the lives of those you serve, young and old alike. Embrace the sentiment of Coach John Wooden that: "*You can't live a perfect day without doing something for someone who will never be able to repay you.*"

It's a privilege serving with you and it will be a special honor serving as your Speaker. Thank you again. God Bless you all and God Bless this House.

Speaker O'Neal was presented with the gavel by Deputy Assistant for the Secretary of State Brad Bryant and assumed the chair.

Speaker O'Neal announced the appointment of Susan Kannarr as Chief Clerk and Wayne Owen as Sergeant-at-Arms of the House of Representatives.

Nominations being in order for Speaker pro tem, Rep. Peck nominated Rep. Arlen Siegfried for Speaker pro tem. There being no further nominations, Rep. Ward moved the nominations be closed and that the Chief Clerk be instructed to cast a unanimous ballot for Rep. Siegfried as Speaker pro tem of the House of Representatives. The motion prevailed.

Speaker O'Neal requested Rep. Siegfried to approach the bar for the oath of office which was administered by Chief Justice 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 Speaker pro tem of the House of Representatives, so help me God. Subscribed and sworn to before me this 12th day of January, 2009.

ROBERT DAVIS
Chief Justice of the Supreme Court

Rep. Siegfried addressed the following remarks to the members of the House.

Mr. Speaker, Majority Leader Merrick, Minority Leader Davis, Assistant Minority Leader Ward and fellow House Members and guests:

I have been a citizen of this great State every minute of my life. I have lived in several of its great counties and believe there are no finer group of people on God's earth than those who populate its varied communities.

Kansans are well educated, loyal, possessed of a powerful sense of justice and endowed with uncommon common sense. Personal responsibility, hard work and integrity are greatly admired. A sense of obligation to the seniors who maintained the foundations we tread upon and vision and responsibility to the young people to whom we will hand the critical mantle of good governance is important to every producing Kansan I have been privileged to meet.

My years in this body have not dimmed the sense of awe which fills me when I look about this hallowed room. I am no less impressed with the august Kansans which populate this body. I am amazed that a poor boy who wandered and played on the dusty streets of Chase county could be entrusted by 22,000 of his fellow Olatheans to represent them here.

I am humbled and honored that my peers would elect me to be their servant in leadership as Speaker Pro Tem.

My strong pledge to you in this body and my fellow Kansans is I will execute the trust you have given me. I will act with integrity, dignity, fairness, courtesy and the grace my Lord and Savior has given to me.

Let us all pledge to serve the people of Kansas; presenting them with a balanced budget which protects the most vulnerable, educates our youth and protects the rights and opportunities of every person. Let us preserve the safety and security of all who believed in us enough to sent us here.

We have greater financial challenges this session than the legislature has faced, perhaps ever. But, I believe in you, the Kansas House of Representatives. You will vigorously study and confront our problems and without regard for who receives the credit, provide solutions and excellent public policy. Then the future of our beloved state will shine brightly for all.

I am excited about working with each of you as we turn this session into an opportunity.

Speaker O'Neal asked for announcements from party caucuses:

Rep. Peck stated the majority (Republican) party had met and elected the following:

- (1) Majority Leader, Representative Ray Merrick
- (2) Assistant Majority Leader, Representative Peggy Mast
- (3) Majority Whip, Representative Rob Olson
- (4) Caucus Chairperson, Representative Virgil Peck, Jr.

Rep. Merrick addressed the following remarks to the members of the House:

Mr. Speaker, Republican Caucus, My Democrat friends across the aisle, and Distinguished Guests:

These are extraordinary times, which call for extraordinary actions. We all know the pains the national economy brings to our doorstep. Kansas needs its people's House to rise to the challenge and protect it from rash, emotional, and reactionary policy.

My job is to lead the Republican majority, but leading means providing realistic solutions.

I will work with all members in the body to find practical answers for the challenges we face. Like working with Representative Ann Mah and our fight to give people the right to have a say in the future of their land, or like Appropriations Chairman Kevin Yoder and our fight to reign in government spending and balance our budget. We must get past our partisan titles to agree on the common good for the health of our state.

As this body's Majority Leader, I will serve first the people of the 27th District, then this caucus, but I will also always serve the best part of Kansas government: the entire body of the people's House.

Friends, our challenge this year is not about restoring the people's confidence in government. For we are *not* the government. We are the people. We collectively represent every individual and their concerns *with* government.

We must have confidence in each other to tell government what it needs to do in order to allow our families, friends, neighbors, and communities to prosper as freedom-loving, self-sacrificing Kansans.

I commend each of you for representing your districts here in these challenging times.

We were chosen by our communities to come here and make a difference, not to continue the status quo. We must rise to the occasion and protect Kansans from devastating tax increases in this recession. Tax increases that are devastating no matter how small or large.

We must stand up and cut spending from all areas of government and look closely at any and all areas of the budget where we can conserve. We cannot blindly protect any area of government with a free pass to continue spending the people's money without efficiency and oversight.

A friend recently sent me the following from the late Dr. Adrian Rodgers. And I quote: "You cannot legislate the poor into freedom by legislating the wealthy out of freedom. What one person receives without working for, another person much work for without receiving. The government cannot give to anybody anything that the government does not just take from somebody else. You cannot multiply wealth by dividing it."

There is a chance our time in this body this year will be forgotten in history. But if we stand up now and listen to the people of this state and do the right thing to protect the little guy, we may make a mark that impacts future generations to follow.

Please join me in committing to make that mark and taking this job as a Representative to mean something more than being a cog in growing Kansas government. Now is our chance to do the right thing. *Together we can put Kansas First.*

I look forward to working with each of you to find realistic solutions for working Kansans. Thank you for the honor of serving as your Majority Leader. Thank you for your support and friendship.

Rep. Ballard stated the minority (Democrat) party had caucused and elected the following officers

- (1) Minority Leader, Representative Paul Davis
- (2) Assistant Minority Leader, Representative Jim Ward
- (3) Minority Whip, Representative Eber Phelps
- (4) Agenda Chairperson, Representative Marti Crow
- (5) Caucus Chairperson, Representative Barbara Ballard
- (6) Policy Chairperson, Cindy Neighbor

Rep. Davis addressed the following remarks to the members of the House:

I first want to acknowledge a few people who have helped me along *my* journey to this position. First and foremost, I want to thank my colleagues in the House Democratic Caucus for allowing me to serve as their leader. I am truly humbled by the confidence that you have placed in me and I am honored to be able to lead such an outstanding group of public servants.

My family is here with me today. My wife Stephanie, who is probably still wondering what exactly she got herself into when she married me last May. Her parents are also here and have been very gracious in accepting a token Democrat into a family of Republicans. I want to especially acknowledge my parents, who are with us today, and thank them for the many dinnertime political discussions that peaked my interest in public service. And lastly I want to recognize my counterpart in the Senate, Senator Anthony Hensley, who gave me my first exposure to life under the green dome as a legislative intern fourteen years ago.

I want to congratulate Representative O'Neal on his election as Speaker of the House. I know that it has been a long time coming and I wish you all the best in your new role as leader of this body.

Thirty-six years ago a young couple who grew up in Wyoming arrived in Kansas with their 10 day old son to start a new life. They didn't have much money and frankly weren't sure that Kansas was the right place for them. But what they found was quite remarkable.

They found a sense of community that was second to none where neighbors look out for one another. They found great public schools that have allowed children to thrive here ever since they were built in 1800s by Kansas pioneers. They found vibrant universities where young Kansans could chase their dreams and discover their passions. My parents and I, like all of you, have become of the beneficiaries of the legacy that has been left by thousands of Kansans who battled the elements of the prairie, fought in a bloody civil war and established this great state in 1861. They went on to build schools, churches and this great Capitol building which took 37 years to construct (and may take just as long to renovate).

Our state has a heritage that should make everyone proud to be a Kansan. Whether it be Amelia Earhart taking flight across the Atlantic, William Allen White's famed editorials in the Emporia Gazette that were read all across this nation, Clyde Cessna and Walter Beech giving birth the aviation industry or Linda Brown and her family who went all the way to United States Supreme Court to seek justice and end segregated schools, Kansans have been at the forefront of what has made America great.

So now is *our* time to make *our* contribution to the rich history of this state. "For whom much is given, much is expected" it is written in the book of Luke. And what is expected of this Legislature, at this time in history is quite daunting. We face a crumbling economy, a plummeting housing market, increasing unemployment and most significantly for us a

budget that is in crisis. The Chinese use two brush strokes to write the word ‘crisis’. One brush stroke stands for danger, but the other stands for opportunity.

Since the founding of our nation, state legislatures have been able to seize these opportunities and act as solvers of our country’s most serious problems. At the state level, we are able to build coalitions and tap into innovative ideas years before Congress can begin to work through the gridlock.

No matter whom you voted for in the recent presidential election, November 5th of 2008 was a day of historic proportions. In particular I was moved by President-Elect Obama’s call for unity when he said to the masses gathered in Grant Park “Let us resist the temptation to fall back on the same partisanship, pettiness and immaturity that has poisoned our politics for so long. As Lincoln said to a nation far more divided than ours, ‘we are not enemies, but friends . . . though passion may strain us, it must not break our bonds of affection’ ”.

This is not the first time we’ve faced adversity in our state and our nation. Though we will disagree, we must not let those disagreements obstruct the progress we must make in the next 90 days. Within the next few months, we must approve a budget that protects our most vulnerable citizens within our fiscal limitations, we must enact health care reform that actually expands coverage and accessibility, and we must maintain our commitment to the parents and children of Kansas who are counting on us to provide them with a quality education that will allow them to succeed in the 21st century economy.

We will only accomplish these goals if we work together, united by our appreciation for the rich legacy provided to us by those whose footsteps we follow in and our fundamental belief that we can create a better Kansas for our children. I want to leave with the words of a speech that President Kennedy was to deliver in Austin, Texas on November 22nd of 1963. A speech he never got to deliver. “Our duty is not to the preservation of political power, but to the preservation of peace and freedom. So let us not be petty when our cause is so great. Let us not quarrel amongst ourselves when our nation’s future is at stake. Let us stand together with renewed confidence in our cause—united in our heritage of the past and our hopes for the future—and determined that this land we love shall lead all mankind into new frontiers of peace and abundance.

Ad astra per aspera. Thank you.

Speaker O’Neal declared remarks given by the elected leadership hereby ordered spread upon the journal.

The roll was called with 124 members present.

Rep. Gatewood was excused on excused absence by the Speaker. He was sworn in as a member of the House of Representatives by his wife, who is the new Clerk of Cherokee County.

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 Siegfried, 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, **HR 6002**, by Reps. O'Neal and Davis, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6002—

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

Be it resolved by the House of Representatives of the State of Kansas: That the speaker be assigned seat No. 2; the speaker pro tem be assigned seat No. 1; the majority leader be assigned seat No. 3; the minority leader be assigned seat No. 4; and the remaining members of the house be assigned the following seats: Aurand 79, Ballard 30, Benlon 69, Bethell 121, Bowers 84, Brookens 45, Brown, A. 117, Brown, T. 28, Brunk 81, Burgess 124, Burroughs 6, Carlin 94, Carlson 23, Colloton 86, Craft 41, Crow 13, Crum 39, DeGraaf 111, Dillmore 76, Donohoe 119, Faber 12, Feuerborn 15, Finney 52, Flaharty 93, Frownfelter 58, Fund 60, Furtado 88, Garcia 29, Gatewood, D. 55, Gatewood, S. 48, George 107, Goico 62, Gordon 43, Goyle 91, Grange 40, Grant 36, Hawk 50, Hayzlett 24, Henderson 73, Henry 18, Hermanson 98, Hill 64, Hineman 61, Holmes, C. 118, Holmes, M. 19, Horst 27, Huebert 47, Huntington 25, Jack 100, Johnson 122, Kelley 114, Kerschen 38, Kiegerl 80, King 125, Kinzer 9, Kleeb 82, Knox 123, Kuether 49, Landwehr 77, Lane 74, Light 66, Loganbill 51, Long 96, Lukert 57, Mah 70, Mast 113, McKinney 56, McLeland 42, Meier 92, Menghini 72, Miller 34, Morrison 120, Moxley 26, Myers 37, Neighbor 68, Neufeld 116, O'Brien 78, Olson 112, Otto 85, Palmer 32, Patton 21, Pauls 17, Peck 63, Peterson 16, Phelps 31, Pottorff 67, Powell 11, Prescott 20, Proehl 59, Quigley 110, Rardin 35, Rhoades 97, Roth 104, Ruiz 89, Sawyer 14, Schroeder 83, Schwab 103, Schwartz 65, Seiwert 22, Shultz 10, Slattery 90, Sloan 115, Spalding 106, Svaty 75, Swanson 99, Swenson 105, Tafaneli 44, Talia 95, Tietze 87, Trimmer 54, Vickrey 101, Ward 5, Watkins 8, Wetta 53, Whitham 46, Williams 33, Winn 71, Wolf, B. 109, Wolf, K. 108, Worley 102, Yoder 7.

The first three seats north of the center aisle in the last row are reserved for the sergeants at arms.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Merrick, **HR 6003**, by Reps. O'Neal and Davis, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6003—

A RESOLUTION relating to the rules of the House of Representatives for the 2009-2010 biennium.

Be it resolved by the House of Representatives of the State of Kansas: That except as otherwise hereinafter provided, the rules of the House of Representatives for the 2007-2008 biennium in effect at the time of adjournment sine die of the 2008 regular session of the legislature shall constitute the temporary rules of the House of Representatives for the 2009 regular session until permanent rules are adopted; and

Be it further resolved: That Rule 1101 of the 2007-2008 biennium shall be replaced by the following Rule 1101 which shall constitute a temporary rule of the House of Representatives for the 2009 regular session until permanent rules are adopted:

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
3. Appropriations	23
4. Calendar and Printing	7
5. Commerce and Labor	19
6. Corrections and Juvenile Justice	11
7. Economic Development and Tourism	13
8. Education	19
9. Elections	11
10. Energy and Utilities	21

11. Federal and State Affairs	21
12. Financial Institutions	13
13. Government Efficiency and Fiscal Oversight	15
14. Health and Human Services	19
15. Higher Education	11
16. Insurance	13
17. Interstate Cooperation	7
18. Judiciary	19
19. Local Government	11
20. Rules and Journal	5
21. Taxation	23
22. Transportation	19
23. Veterans, Military and Homeland Security	15
24. 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 economic development and the 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 2007-2008 biennium shall be replaced by the following rule 1105 which shall constitute a temporary rule of the House of Representatives for the 2009 regular session until permanent rules are adopted:

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	9
2. Education budget committee	8
3. General government budget committee	9
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 of each budget committee. The Speaker may remove or replace at any time any budget committee 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.

Be it further resolved: That Rule 1701 of the 2007-2008 biennium shall be replaced by the following rule 1701 which shall constitute a temporary rule of the House of Representatives for the 2009 regular session until permanent rules are adopted:

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.

Be it further resolved: That Rule 1906 of the 2007-2008 biennium shall be replaced by the following rule 1906 which shall constitute a temporary rule of the House of Representatives for the 2009 regular session until permanent rules are adopted:

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.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following prefiled bills were introduced and read by title:

HB 2001. An act concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 72-6407 and repealing the existing section, by Representative Henry.

HB 2002. An act concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 72-6448 and repealing the existing section, by Legislative Educational Planning Committee.

HB 2003. An act concerning postsecondary education; relating to technical education; amending K.S.A. 71-1507, 72-4408, 72-4411, 72-4412, 72-4413, 72-4414, 72-4415, 72-4418, 72-4421, 72-4422, 72-4423, 72-4425, 72-4430, 72-4431, 72-4433, 72-4466, 72-4467, 72-4471 and 74-32,141 and K.S.A. 2008 Supp. 72-4427, 72-4450, 72-4451, 72-4452, 72-4470a, 72-4482 and 74-3201b and repealing the existing sections; also repealing K.S.A. 72-4416, 72-4429, 72-4438, 72-4439, 72-4444, 72-4445, 72-4446, 72-4447, 72-4448, 72-4449, 74-3205a, 74-3205b and 74-3205c and K.S.A. 2008 Supp. 72-4436, 72-4437 and 72-4470, by Legislative Educational Planning Committee.

HB 2004. An act concerning retirement plans for certain employees of the state board of regents; amending K.S.A. 2008 Supp. 74-4925 and repealing the existing section, by Legislative Educational Planning Committee.

HB 2005. An act concerning the Kansas universal service fund; relating to KAN-ED funding; amending K.S.A. 2008 Supp. 66-2010 and repealing the existing section, by Legislative Educational Planning Committee.

HB 2006. An act concerning the recruitment of personnel by state educational institutions; relating to moving expenses; amending K.S.A. 2008 Supp. 76-727 and repealing the existing section, by Legislative Educational Planning Committee.

HB 2007. An act concerning state educational institutions; relating to fees and tuition; amending K.S.A. 2008 Supp. 76-719c and repealing the existing section, by Legislative Educational Planning Committee.

HB 2008. An act enacting the school medication aide act; amending K.S.A. 2008 Supp. 65-1124 and 65-2872 and repealing the existing sections, by Legislative Educational Planning Committee.

HB 2009. An act concerning electric utilities; relating to certain property tax exemptions; providing exceptions; amending K.S.A. 2008 Supp. 79-259 and repealing the existing section, by Representative Gatewood.

HB 2010. An act concerning state board of healing arts; relating to storage, maintenance and transfer of medical record; creating medical record maintenance trust fund; amending K.S.A. 2008 Supp. 65-2809, 65-2837 and 65-28,128 and repealing the existing sections, by Representative Kiegerl.

HB 2011. An act concerning abortion; amending K.S.A. 65-445 and 65-6703 and repealing the existing sections, by Representative Siegfried.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following prefiled bills were referred to committees as indicated:

Education: **HB 2001, HB 2002, HB 2005, HB 2008.**

Health and Human Services: **HB 2010, HB 2011.**
 Higher Education: **HB 2003, HB 2004, HB 2006, HB 2007.**
 Taxation: **HB 2009.**

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Merrick, **HCR 5001**, by Reps. O'Neal and Davis, as follows, was introduced and adopted.

HOUSE CONCURRENT RESOLUTION No. 5001—

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

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

In accordance with **HCR 5001**, Speaker O'Neal appointed Reps. C. Holmes, Pottorff and Loganbill to wait upon the Governor.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Merrick, **HCR 5002**, by Reps. O'Neal and Davis, as follows, was introduced and adopted.

HOUSE CONCURRENT RESOLUTION No. 5002—

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 12, 2009, 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 5002**, Speaker O'Neal appointed Reps. C. Holmes, Pottorff and Winn to escort the Governor; Reps. Neufeld, Hayzlett and Sawyer to escort the Lieutenant Governor; Reps. Kinzer, Coloton and Peterson to escort the Supreme Court; Reps. Myers, Vickrey and Carlin to escort the Senate.

MESSAGE FROM THE SENATE

Announcing adoption of **SR 1801**, a resolution relating to the organization of the 2009 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.

INTRODUCTION OF GUESTS

Speaker O'Neal introduced Dr. Terry Lee Mills, President of the Kansas Association of Family Physicians. Dr. Mills is a graduate of the University of Oklahoma College of Medicine, and completed his family practice residency at McLennan County Medical Education

and Research Foundation in Waco, TX. Dr. Mills practices at Wichita Clinic, Bethel in Newton and is Chief of the Department of Family Practice. He is a Major in the Medical Corp for the United States Army Reserves. Dr. Mills is married to Dianna Mills. They have three sons, Mathew, Mark and Micha.

The association sponsors the Doctor of the Day program and provides daily assistance for health concerns of those serving the Statehouse during the session. We appreciate this program and the efforts of Dr. Mills and the other doctors serving us each day. Thank you again for providing this service.

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 the Kansas Insurance Department, in accordance with K.S.A. 46-1212c, the 2007 Annual Report.

From Buck Consultants, the Actuarial Review Report for Kansas Public Employees Retirement System.

From Molly McGovern, Administrator for the Bi-State Commission, the 2007 Annual Report and Comprehensive Annual Financial Report for the Kansas and Missouri Metropolitan Culture District Commission.

From Bob Page, President and Chief Executive Officer of The University of Kansas Hospital Authority, the Operating and Financial Statement for Fiscal Year 2008.

From Juliene Maska, Administrator, Governor's Grant Program, the 2009 Wireless Enhanced 911 Annual Report.

From Stephen N. Six, Attorney General, the 2008 statistical report of concealed carry licenses issued, revoked, suspended, and denied.

From Glenn Deck, Executive Director of Kansas Public Employees Retirement System, the Annual Report for the fiscal year ending June 30, 2008.

From Stephen N. Six, the 2007 Annual Report of the Consumer Protection and Antitrust Division.

From Lynn Jenkins, State Treasurer, the 2008 Fiscal Year Report to the Kansas Legislature.

From Elizabeth B.A. Miller, Director of Investments, the Annual Report of the Pooled Money Investment Board for Fiscal Year 2008.

From the Office of Governor Kathleen Sebelius:

Executive Order No.08-06, reformulating the composition and purpose of the Kansas Energy Council.

Executive Directive No. 08-388, Authorizing Personnel Transactions and Expenditures of Federal Funds.

Executive Directive No. 08-389, Authorizing of Federal Funds.

Executive Directive No. 08-390, Authorizing Expenditure of Federal Funds.

Executive Directive No. 08-391, Authorizing Personnel Transactions.

Executive Directive No. 08-392, Authorizing Personnel Transactions.

Executive Directive No. 08-393, Authorizing Expenditure of Federal Funds.

Executive Directive No. 08-394, Authorizing Expenditure of Federal Funds.

Also, from Robert E. Blecha, Director, Kansas Bureau of Investigation, in compliance with K.S.A. 60-4117, report regarding the status of the KBI State Forfeiture Fund.

From Roger Werholtz, Secretary, Kansas Department of Corrections, pursuant to K.S.A. 75-52,112, report on the Kansas Community Corrections Statewide Risk Reduction Initiative.

From Doug Louis, Director, Conservation Division, Kansas Corporation Commission, Abandoned Oil & Gas Well Remediation Site Status Report.

From Helen Pedigo, Executive Director, Kansas Sentencing Commission, 2009 Report to the Legislature.

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 recessed until 6:30 p.m.

EVENING SESSION

The House met pursuant to recess with Speaker O'Neal in the chair.
Rep. Gatewood was present for the evening session.

It being the hour in accordance with **HCR 5002** to meet in joint session with the Senate to hear the message of the Governor, Reps. Myers, Vickrey and Carlin escorted members of the Senate to seats in the House.

Reps. Kinzer, Colloton and Svaty and Senators Donovan and Haley escorted the Supreme Court to seats in the House.

Reps. Neufeld, Hayzlett and Sawyer and Senators Huelskamp and Kultala escorted the Lieutenant Governor to a seat in the House.

Reps. C. Holmes, Pottorff and Winn and Senators Taddiken and Faust-Goudeau escorted the Governor to the rostrum.

GOVERNOR KATHLEEN SEBELIUS' COMPLETE TEST OF THE STATE OF THE STATE January 12, 2009

Mr. Speaker, Mr. President, Mr. Chief Justice, legislators, justices, cabinet officers, elected officials, leaders of Indian nations, honored guests, and my fellow Kansans.

Good evening.

As we gather again to assess the state of our State, I want to welcome the new members of the House and Senate and our new House leadership. On behalf of all Kansans, I thank you for your willingness to run for office and serve during a difficult time in our history, pledging to put people before partisanship. I look forward to working with all of you to meet our challenges and secure our future.

And I welcome back the returning members of the Kansas legislature. I look forward to working with you once again. Many of you know better than anyone the challenges before us and that heavy burdens can be lifted when all of our hands lift together.

Since we met for the state of the State last year, we have two new State officials. Attorney General Steve Six is with us tonight, and I want to once again thank him for his willingness to leave the bench and serve as the Attorney General for Kansas.

Also with us is our new State Treasurer Dennis McKinney, sworn in just one week ago. Dennis while you'll be greatly missed in the House, we thank you for taking on new responsibilities as you continue to serve Kansas.

Our new Chief Justice, Bob Davis, is here tonight and Chief we wish you well in your leadership role in the Supreme Court. Over the last 3 decades, Justice Kay McFarland served on the Kansas Supreme Court. Her leadership as Chief was historic and heroic, leading the Court during some very contentious times.

On behalf of all Kansans, who are the beneficiaries of her extraordinary service, I want to thank former Chief Justice Kay McFarland, who unfortunately could not be with us tonight.

And while we are recognizing long service to the state of Kansas, I want to acknowledge the three leaders of great Kansas universities who will retire at the end of this academic year: Kansas State University President Jon Wefald, University of Kansas Chancellor Robert Hemenway, and Pittsburg State University President Tom Bryant.

Our universities are one of our State's greatest assets. By educating young Kansans they promote generational change and contribute to the knowledge economy that will move

Kansas forward. We thank these three leaders for their tireless dedication and considerable contributions to the State.

Everyone I recognized tonight shares one thing. They've all made difficult decisions to benefit our State and its citizens. In fact, the history of Kansas is a series of difficult decisions made by many other humble men and women who served the greater good: Would we be a free or a slave state? How would we put people back to work during the Great Depression? How would we aid the war effort during the two World Wars? How would we preserve our agricultural sector during the farm crisis of the 1980s? And, more recently, how would we provide quality education for our children while protecting our most vulnerable citizens?

The common thread that has enabled Kansans to answer those challenges and succeed is found in the quality and character of our people and our public servants. In meeting past challenges Kansans took care to provide the foundation for the good years. After each difficult period, there were good and prosperous times. And there will be again. In fact, tonight we can mark the beginning of the path toward better days.

The state of our State is not defined by ending balances or revenue receipts. It's about the quality and character of the Kansas people. And I'm proud to report that, in that regard, the state of our State has never been stronger.

We meet tonight at a time when a recession has hit every state, every community, and every American. We're experiencing a shared struggle that requires us to develop shared solutions.

The steps we take now will help us survive this economic crisis and create the foundation to move us ahead. Let us come together, as we have in the past, to find common ground and to work for the common good.

Our focus tonight and over the next 90 legislative days should be on the people we serve: our priorities to educate our children, to provide for public safety and protect health services for our neediest citizens, to spur economic recovery and job growth, to build the infrastructure to move our goods and workers from product to market, and to encourage innovation and research as the core elements of a knowledge economy.

The revised 2009 and the proposed 2010 budgets will be covered in detail beginning tomorrow and in the weeks to come. I'll present to the legislature budgets that balance, without proposing new taxes on our citizens, who are already struggling to make ends meet.

Ultimately, the role of government is to use our collective resources to do what individuals cannot do alone. We must look to the future and determine what strategic investments we can make to give Kansans the tools they need to prosper in the 21st Century.

In an economic downturn, decisions can have dire consequences and a lifetime impact on future generations. No student can afford to 'miss' a few years of quality education. No Kansan can be denied lifesaving care while waiting for the economy to improve.

Even in a time of shortfalls, we do have resources. Our treasury is stronger than many other states. We have a trained and able workforce. And we are still, proudly, this nation's breadbasket. So when we ask ourselves if government has a positive contribution to make through wise use of these resources, the answer to that question is a resounding "yes."

In all of our endeavors, we recognize that jobs and capital are best expanded in the private sector. But without resources and workers from government, the massive undertakings needed to promote the common good would likely fail.

When we faced the challenge of under funded schools, it was made clear in the courtroom, in the boardroom, and in the classroom that new investments had to be made. And we shared the work of finding a solution.

We invested millions in our schools, our students, our teachers, and our future. And even now, looking through the lens of today's economy, that investment was worth it and worth keeping.

Six years ago we developed shared solutions when our prisons were crowded, beds were full and staffing was short. We were faced with spending millions of dollars on new prisons to house the expanding population.

Instead, we developed bipartisan legislation that resulted in treatment programs for non-violent drug offenders and innovative and collaborative release efforts for inmates returning to their communities. So today we have fewer inmates, less crime, lower recidivism rates, and more funds for other state needs. And the Kansas model is being replicated around the country.

But it is not just in the crafting of legislation that we came together for a common purpose. When bases across the country were being closed and communities emptied — we protected our military assets and brought the Big Red One home. We opened Fort Riley's doors — and the entire state — to new soldiers, new families, and new investments in Kansas.

Working together across communities and universities, we made our case for the National Bio and Agro-Defense Facility and we are proud to be its future home. We look forward to the contribution Kansas will make to our national security and to NBAF's positive impact on our state for generations to come.

Now, the NBAF effort would not have succeeded without the extraordinary leadership and vision of our Congressional delegation, key members of the Kansas legislature, Kansas State University, Manhattan community leaders, the BioScience Authority, private sector stakeholders, and our administration all working together.

The same principle that guided those successes should guide us now: Working together, we can succeed.

So let's commit ourselves to balancing the budget with common sense, strategic investments, and a commitment that we're all in this together — every agency has a role to play and a contribution to make.

Let's commit to focusing on priorities: investing in public schools and public safety, continuing basic state services to our most vulnerable populations, putting Kansans back to work, and including all state agencies in a dialogue that results in shared solutions.

My budget recommendations for 2009 and 2010 make significant reductions in most agencies, while trying to protect essential services. The budget also eliminates programs, closes facilities, and freezes new hires. We're asking our state workforce, once again, to do more with less and I am confident they will meet the challenge.

Yes, these are difficult times and we face difficult decisions, but by working in a bi-partisan fashion we'll once again find answers and experience success.

While we address our problems as a unified State, I'll continue the dialogue with the new President and our Congressional delegation on a stimulus package. But we shouldn't wait for or rely on Washington to solve our problems.

I have confidence in our capacity to meet our challenges. And, I also believe that our greatest successes lie before us. Along with the challenges, there are opportunities we cannot afford to ignore.

This is not the time to take our eye off the future. We must continue to look to the horizon for new opportunities. Already, we have several ongoing initiatives that can aid our economic recovery.

The Kansas Innovation Consortium is a group of business leaders representing our most promising economic growth sectors. They've come together to advise me and Cabinet secretaries on the best use of government resources to continue to grow private industry.

Joerg Ohle, the CEO of Bayer Animal Health, who helped lead the effort to brand an "animal health corridor" from Manhattan, Kansas to Springfield, Missouri and promote our NBAF success, is leading this strategic effort.

Seizing opportunities and creating jobs to stimulate our economy is important to our state's recovery. And, transportation is a critical component of both.

T-LINK, the task force led by Tim Rogers from the Salina Airport Authority and our Transportation Secretary Deb Miller, will soon complete their work and recommend new approaches for transportation, new collaborative partnerships and new funding formulas. Their efforts will provide the framework for our future transportation strategies.

Jack Pelton, chairman, president and CEO of Cessna Aircraft, is leading the statewide dialogue to develop a plan for reduced greenhouse gas emissions while Kansas continues to thrive.

KEEP, the Kansas Energy and Environmental Policy Advisory Group will give us the strategic framework to make good decisions about growth and environmental impact in the future.

None of these initiatives cost state dollars, and in each endeavor we have tapped the best of Kansas — the ingenuity and innovation of our private sector leaders — who give their time so Kansas can grow and prosper.

Among the myriad of issues on the horizon, two demand our attention this Session. The American energy crisis provides Kansas with challenges we must face and opportunities that together we must seize.

The energy crisis is real on many fronts affecting our economy, our national security, and our environment. Our own scientists at Kansas State University and the University of Kansas have joined with an overwhelming number of experts around the world who tell us that our time to solve these problems is running out.

While we know that the incoming President has promised a new federal energy policy and swift action, there's uncertainty about the exact rules and financial liabilities Congress will impose.

Kansas is already one of the nation's worst offenders in per capita carbon emissions, which makes us vulnerable to the costs and penalties of imminent federal regulation.

Recently, the Kansas Energy Council confirmed that we have adequate electricity to power us for years into the future; and no state is better suited to lead the country in renewable power than is Kansas. To do so, we must harness all of the energy that we can from wind, and we've already made significant progress.

Two years ago we entered into a voluntary agreement with our utilities to generate 1,000 megawatts of wind power in Kansas by 2010. Tonight, I'm happy to announce that we achieved that goal two years early.

But, we've just scratched the surface. The time will come when we reach our potential of 10,000 megawatts of wind from the prairies across Kansas—power used both here in our state and exported to supply the country with clean and renewable energy.

In fulfilling our potential we can attract billions of investment dollars for both transmission lines and the wind farms. We can create thousands of new jobs. And, Kansas landowners will see the benefit of millions of dollars of lease payments for their wind.

Just as Dwight Eisenhower led the effort to develop an interstate highway system to move goods and people across the country, Kansas can lead the development of an interstate transmission system to move power to market.

I am committed to work with the Kansas Corporation Commission to bring the competing companies together to reach a compromise on building new transmission lines in Kansas.

And I pledge that we'll continue to work with neighboring states in encouraging the South-west Power Pool to accelerate development of a fair and progressive rate structure for a new transmission grid across our region.

But the cleanest and cheapest energy is energy we don't use in the first place, so I'm directing the Kansas Corporation Commission to work with our utility companies on measurable and significant energy efficiency programs to further extend our available power well into the future.

We must change our outdated rate structure, which currently rewards consumption, instead of conservation, and fully engage Kansas consumers in reducing their energy use.

I ask the Kansas Legislature to work with me on a green energy proposal which has already been endorsed by two of our major utilities and includes net metering, new building codes, and statutory goals for renewable energy in Kansas. This legislation will send a clear signal to private investors and renewable manufacturers that Kansas is embracing a clean energy future, and will help to spur investment and innovation.

Finally, I am pleased that Len Rodman, CEO of Black and Veatch, a Kansas company that provides strategic advice throughout the world on green energy initiatives, has agreed to Chair my newly created GreenWorks Advisory Council, to expand our opportunities to add more renewable energy jobs in Kansas. Thank you, Len.

With all of us working together, we can and will seize this opportunity. Kansas will become a hub of wind power, a heartland center for green industries, and we will lead the country and the world out of the energy crisis we face.

Along with the energy crisis, we also face many personal challenges with disease and illness. Cancer has affected many Kansas families. The personal toll in lost lives and unrealized potential cannot be calculated.

The cost to the health care system is also great. The American Cancer Society estimates that it costs our state approximately \$4.4 million a day in lost productivity and direct medical costs.

Over the past few years, scientists have made tremendous strides in early detection and treatment, so that a cancer diagnosis is no longer an immediate death sentence. We're fortunate to have a team of researchers at the University of Kansas who are already finding new cures.

We now have an opportunity to create a Comprehensive Cancer Center. And much like the effort to bring NBAF to Kansas, this will be a multi-year collaborative effort including private sector partners, our research universities, health allies from across the region, the Midwest Cancer Alliance, and the Bio Science Authority.

The application for National Cancer Institute designation will occur in 2011; and, if successful, has enormous potential as an economic engine, estimated to generate \$1.3 billion dollars annually, and create nearly 10,000 new jobs within a decade.

Just as important, Kansans won't have to travel out of state for cancer care, and our State will contribute to the national goal of finding cures in our lifetime.

The National Cancer Institute designation is another prospect on the horizon, with the potential to impact our state and our citizens for generations to come.

These major opportunities to create jobs and expand our economy are part of a long-term strategy to continue progress in Kansas. We have to keep them in the forefront as we craft short-term budget solutions.

The role Kansas can play in addressing major issues confronting our state, nation, and world can be significant. The promise of our future must not be forgotten in the problems of the moment.

We have the ability by working together to correctly identify assets, mobilize efforts, unify our resolve, and get the job done for Kansas today and tomorrow.

Our state's motto is as true today as it was in 1861. We will overcome our difficulties; we will reach the stars yet again. There will be a better day.

The U.S. and the Kansas economies will rebound, and we'll return to positive growth. We will create jobs. And the opportunities Kansans have enjoyed for generations will not go away. This time of shared struggle will result in shared solutions and a stronger Kansas.

Thank you. May God bless you, and may God bless the Great State of Kansas.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, January 13, 2009.

Journal of the House

SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, January 13, 2009, 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. Goico was excused on verified illness.

Rep. Lane was excused on excused absence by the Speaker.

Speaker O'Neal welcomed and reappointed Rev. Eunice Brubaker, Associate Pastor, Fair-lawn Church of the Nazarene, Topeka, as chaplain for the 2009-10 sessions.

Prayer by Chaplain Brubaker:

Our Heavenly Father,

It is not by accident that today we join together
as a new governing body, for Scriptures tell us that
“... the authorities that exist have been established by God.”

(Romans 13:1)

Help us to not take lightly the responsibilities that we have been given.

We have heard it said often in recent days
that these are tough times requiring tough decisions.

We have been placed in a governmental position
OF the people — may we always remember that we represent
all Kansans and that our decisions should be equitable for all.

We have been placed in a governmental position
FOR the people — remind us often that our decisions need to be
for the betterment of all the people we represent.

We have been placed in a governmental position
BY the people — to represent their needs and concerns,
not our own political and personal agendas.

Therefore, we pray with sincerity the prayer of Solomon,
“... give your servant(s) a discerning heart to govern your people
and to distinguish between right and wrong.”

(1 Kings 3:9)

In Christ's Name I pray, 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 2012, An act concerning the state corporation commission; establishing deadlines for decisions of appeals from administrative orders; amending K.S.A. 66-101f and repealing the existing section, by Committee on Energy and Utilities.

HB 2013, An act concerning utilities; relating to renewable portfolio standards, by Committee on Energy and Utilities.

HB 2014, An act concerning utilities; relating to the Kansas electric transmission authority; granting authority to establish and charge fees; amending K.S.A. 2008 Supp. 74-99d07 and repealing the existing section, by Committee on Energy and Utilities.

HB 2015. An act concerning energy efficiency; relating to standards for certain owned or leased property, equipment or vehicles, by Committee on Energy and Utilities.

HB 2016. An act concerning utilities; relating to emissions, by Committee on Energy and Utilities.

HB 2017. An act concerning the state corporation commission; establishing deadline for decisions, by Committee on Energy and Utilities.

MESSAGES FROM THE SENATE

Announcing adoption of **HCR 5001**, a concurrent resolution relating to a committee to wait upon the Governor and advise her the 2009 session of the Legislature is duly organized and ready to receive communication.

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

Also, announcing adoption of **HCR 5002**, 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 Taddiken and Faust-Goudeau to escort the Governor and Senators Huelskamp and Kultala to escort the Lt. Governor. Also, Senators Donovan and Haley to escort the Supreme Court.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6004—

By Representatives O'Neal and Davis

A RESOLUTION adopting permanent rules of the House of Representatives for the 2009-2010 biennium.

Be it resolved by the House of Representatives of the State of Kansas: The following rules shall be the permanent rules of the House of Representatives for the 2009-2010 biennium.

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 during the part of the year that the Legislature is in session.

(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. Smoking and Tobacco Products; Food and Drink. (a) No smoking shall be permitted in the House chamber. No member may request a page to purchase any tobacco product. In addition to the areas of the house in which smoking is otherwise prohibited under this rule, no smoking shall be permitted in the house cloakrooms, lounge, rest rooms or in the hallway which runs along the west side of the chamber.

(b) 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 Kansas, 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:

1. Aging and Long-term Care	13
2. Agriculture and Natural Resources	19
3. Appropriations	23
4. Calendar and Printing	7

5. Commerce and Labor 19
 6. Corrections and Juvenile Justice 11
 7. Economic Development and Tourism 13
 8. Education 19
 9. Elections and Governmental Organization 11
 10. Energy and Utilities 21
 11. Federal and State Affairs 21
 12. Financial Institutions 13
 13. Government Efficiency and Fiscal Oversight 15
 14. Health and Human Services 19
 15. Higher Education 11
 16. Insurance 13
 17. Interstate Cooperation 7
 18. Judiciary 19
 19. Local Government 11
 20. Rules and Journal 5
 21. Taxation 23
 22. Transportation 19
 23. Veterans, Military and Homeland Security 15
 24. 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 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.

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 chair persons 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 9
 2. Education budget committee 8
 3. General government budget committee 9
 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 of each budget committee. The Speaker may remove or replace at any time any budget committee 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 total vote for or against each action shall be recorded in the committee minutes.

(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 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.

(b) All committee reports on bills and resolutions shall be recorded in the journal.

(c) 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) Each standing committee should report to the House upon all matters referred to it within 10 legislative days after its reference to the committee.

(b) When a committee fails to report on any bill or resolution within the time directed by subsection (a), it 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.

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

(d) The provisions of subsections (a) through (c) 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 consideration, 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.
- (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 $\frac{2}{3}$ 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 $\frac{2}{3}$ 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 $\frac{2}{3}$ 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 $\frac{2}{3}$ 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 48 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 $\frac{2}{3}$ majority vote of those members elected (or appointed) and qualified of the House of Representatives.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, January 14, 2009.

Journal of the House

THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 14, 2009, 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. Goico was excused on verified illness.

Reps. Kiegerl and Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Father God,
We want to lift you up in praise and
thank you for the way you watch over us.
Today, Lord, I ask that you be with our
new freshmen representatives.
No doubt they feel overwhelmed and dazed
with all the information and detail thrown at them
in such a short time.
In their enthusiasm, give them clarity of thought,
in their eagerness, give them patience,
and in their inner thoughts of fear or anxiety,
give them peace and calm.
Help our seasoned representatives to be
sensitive to step up, reach out, assist and encourage them.
Help us all to create an attitude and atmosphere of
communication, collaboration and connectedness.
Only with Your help and power will we accomplish this,
so we unashamedly ask Your help.
In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Proehl.

INTRODUCTION OF GUESTS

On a point of personal privilege, Rep. Donohoe introduced the Asics Mid America Volleyball Club of Overland Park who won the gold medal at the 2008 National Junior Olympic Volleyball Tournament in Dallas, Texas. Members of the team are: Kelsey Beasley, Hannah Billings, Christina Dezeeuw, Makenzie Elder, Molly Oshinski, Arianna Person, Brittany Thomas, Sarah Van Zvoll and Emily Wemhoff. Coaches Janice Van Gorp and Laura Billings accompanied the team, along with their newest member, Lauren Mertz.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2018. An act concerning insurance; relating to rates and rate modifications for workers compensation insurance; amending K.S.A. 40-2109 and repealing the existing section, by Joint Committee on Economic Development.

HB 2019. An act concerning eligibility requirements for medicaid; allowing a collateral assignment of the proceeds of life insurance policies, by Committee on Taxation.

HB 2020, An act establishing the renewable energy incentive program, by Committee on Energy and Utilities.

HB 2021, An act concerning utilities; relating to the granting of certificates of public convenience to common carriers and public utilities, by Committee on Energy and Utilities.

HB 2022, An act making and concerning appropriations for the fiscal years ending June 30, 2009, and June 30, 2010, 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. 2008 Supp. 55-193, 79-2978 and 79-2979 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:

Energy and Utilities: **HB 2012**, **HB 2013**, **HB 2014**, **HB 2015**, **HB 2016**, **HB 2017**.

Rules and Journal: **HR 6004**.

COMMUNICATIONS FROM STATE OFFICERS

From Kathleen Sebelius, Governor, pursuant to K.S.A. 22-3703, reporting the only pardon granted for 2008 of Benito Carrillo, Jr. II.

From Tracy Streeter, Director, Kansas Water Office, 2009 Annual Report to the Governor and Legislature.

From Major General Tod M. Bunting, Adjutant General, Annual Report 2008 for the Kansas Adjutant General's Department.

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 **SCR 1601**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate concurrent resolution was thereupon introduced and read by title:

SCR 1601.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, January 15, 2009.

Journal of the House

FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 15, 2009, 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. Goico was excused on verified illness.
Reps. Henderson and Morrison were excused on excused absence by the Speaker.
Prayer by Chaplain Brubaker:

Dear Lord, we come to you today recognizing
the great challenges before us in leading our state.
As we work together to face these challenges,
we acknowledge there is diversity in defining what is to be the end result
and even the means by which we accomplish that result.
This is where we need Your help.
Give each of us a spirit of listening, learning, and leading as a team.
Your Word encourages us to
“. . . 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.”
(Isaiah 1:17-18)
This I ask in Your name, Amen.

The Pledge of Allegiance was led by Rep. Ward.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

- HB 2023**, An act relating to motor carriers; concerning enforcement of certain state corporation commission orders, by Committee on Transportation.
HB 2024, An act concerning the state corporation commission; relating to the promotion of wind generation, by Committee on Energy and Utilities.
HB 2025, An act concerning electric transmission facilities; providing for the creation of an independent transmission company in this state, by Committee on Energy and Utilities.
HB 2026, An act concerning sales taxation; relating to countywide retailers' sales tax in Lyon county; amending K.S.A. 2008 Supp. 12-187 and 12-189 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:

- Appropriations: **HB 2022**.
 Energy and Utilities: **HB 2020**, **HB 2021**.
 Health and Human Services: **HB 2019**.
 Insurance: **HB 2018**.
 Rules and Journal: **SCR 1601**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2005** from Committee on Education and referral to Committee on Energy and Utilities.

COMMUNICATIONS FROM STATE OFFICERS

From Carl Dean Holmes, Chairperson, Kansas Electric Transmission Authority, 2008 Annual Report to the Governor and the Legislature.

From the Adjutant General, Annual Report for 2008 of the Adjutant General's Department.

From Stephen R. Weatherford, President, Kansas Development Finance Authority, Annual Report for fiscal year ended June 30, 2008.

From Thomas E. Wright, Chairman, Kansas Corporation Commission, as directed by 2008 **SB 570**, Section 6(a), report concerning the availability of Broadband services in the State of Kansas.

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 6005**, by Reps. O'Neal and Davis, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6005 —

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 2009 regular session shall occupy the same seats assigned pursuant to 2009 House Resolution No. 6002 with the following exceptions: Colloton, seat No. 80; Kiegerl, seat No. 86.

REPORT OF STANDING COMMITTEE

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

Request No. 1, by Representative O'Neal, congratulating Zach Carr on attaining the rank of Eagle Scout;

Request No. 2, by Representative Donohoe, congratulating the members of the Overland Park, Kansas ASICS Mid America Volleyball Club for winning the gold medal at the 2008 National Junior Olympic Volleyball Tournament;

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 adjourned pro forma until 10:00 a.m., Friday, January 16, 2009.

Journal of the House

FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, January 16, 2009, 10:00 a.m.

The House met Session pro forma 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 2027, An act concerning utilities; relating to cities' power to relinquish authority to regulate natural gas and water utilities to the state corporation commission; amending K.S.A. 66-104e and repealing the existing section, by Representative Mast.

HB 2028, An act concerning taxation; relating to the franchise tax; rates; continuation; amending K.S.A. 2008 Supp. 79-5401 and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Energy and Utilities: **HB 2024**, **HB 2025**.

Taxation: **HB 2026**.

Transportation: **HB 2023**.

COMMUNICATIONS FROM STATE OFFICERS

From Dennis McKinney, State Treasurer, as required by K.S.A. 75-650, Kansas Investments Developing Scholars Matching Grant Program report, January 15, 2009.

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 adjourned until 2:30 p.m., Tuesday, January 20, 2009.

Journal of the House

SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, January 20, 2009, 2:30 p.m.

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

The roll was called with 115 members present.

Rep. Svaty was excused on legislative business.

Reps. Aurand, Ballard, Finney, Garcia, Goyle, Henderson, McCray-Miller and Ward were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Branson Roberts, pastor, Topeka First Church of the Nazarene:

Almighty God,

You are the Creator God, and everything exists for your glory. By your word you have shown us what you require of us: to act justly, to love mercy, and to walk humbly before you.

Lord, we are so grateful for the privilege to live in this land, at such a time as this. Thank you for choosing and shaping ordinary people to rise up and lead this great nation.

You chose to shape a little boy from Georgia, and give him a dream of justice. And then you gave him the courage to live justly, and challenge us to live justly, to make that dream a reality.

And this morning, we watched evidence of Dr. King's dream come true, in the inauguration of our new President, Barack Obama, another boy who was abandoned by his father, and moved to Indonesia by his mother, and raised by his grandparents. But you chose to shape him for your purposes in our country today.

And now to this body of people, who are charged with serving the citizens of the great state of Kansas; whom you also have chosen, shaped, and given them a story for such a time as this.

O God, grant that all the public work which has been given to this body to do, will only motivate them to serve their fellow man.

Help them to set loyalty to the right things above all loyalty to party or to class.

Grant the importance of their work may never make them full of their own self-importance, but rather that it may make them humbly eager to serve and to help the people of Kansas. Give them wisdom of mind, clearness in their thinking, truth in their speaking, and always love in their hearts, so that they may try always to unite people and never to divide them.

Help them always to set the interests of the state above those of the party; and faithfulness to your requirements to justice and mercy above everything else.

So grant that at the end of this day, they may win the approval of their own conscience, the respect of their fellow man, and your "Well Done!"

I humbly offer this prayer for the sake of Jesus, who was also chosen by you to serve among his fellow man, and model the walk of justice and mercy. Amen.

The Pledge of Allegiance was led by Rep. Whitham.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2029, An act concerning cities; relating to annexation; amending K.S.A. 12-520b, 12-531 and 12-532 and repealing the existing sections, by Special Committee on Eminent Domain in Condemnation of Water Rights.

HB 2030, An act concerning cities; relating to annexation; amending K.S.A. 12-521 and repealing the existing section, by Special Committee on Eminent Domain in Condemnation of Water Rights.

HB 2031, An act concerning annexation of territory by cities; amending K.S.A. 12-519 and 12-521 and repealing the existing sections, by Special Committee on Eminent Domain in Condemnation of Water Rights.

HB 2032, An act concerning cities; relating to annexation; amending K.S.A. 12-531 and 12-532 and repealing the existing sections, by Committee on Local Government.

HB 2033, An act concerning utilities; requiring membership in the climate registry, by Committee on Energy and Utilities.

HB 2034, An act concerning utilities; relating to greenhouse gas emissions, by Committee on Energy and Utilities.

HB 2035, An act concerning utilities; relating to cooperatives; amending K.S.A. 66-104d and repealing the existing section, by Committee on Energy and Utilities.

HB 2036, An act concerning the state corporation commission; relating to studies and reports, by Committee on Energy and Utilities.

HB 2037, An act concerning telecommunications; establishing the broadband deployment assistance program; amending K.S.A. 2008 Supp. 66-2010 and repealing the existing section, by Committee on Energy and Utilities.

HB 2038, An act concerning utilities; relating to fossil-fuel electric generation standards and innovative renewable, distributive generation and transmission technology, by Committee on Energy and Utilities.

HB 2039, An act concerning crimes, criminal procedure and punishment; relating to warrants; amending K.S.A. 22-2304 and repealing the existing section, by Representative Schwab.

HB 2040, An act concerning crimes, criminal procedure and punishment; relating to parole; amending K.S.A. 2008 Supp. 22-3717 and repealing the existing section, by Representative Schwab.

HB 2041, An act relating to insurance; concerning title insurers and agents; amending K.S.A. 2008 Supp. 40-2404 and repealing the existing section, by Committee on Commerce and Labor.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Energy and Utilities: **HB 2027**.

Taxation: **HB 2028**.

COMMUNICATIONS FROM STATE OFFICERS

From Thomas E. Wright, Chairman, Kansas Corporation Commission, Report to the 2009 Legislature Concerning the Pay Stations for Utility Payments in the State of Kansas.

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 adjourned until 11:00 a.m., Wednesday, January 21, 2009.

Journal of the House

SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 21, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Siegfried in the chair.
The roll was called with 112 members present.
Rep. Schwartz was excused on verified illness.
Reps. Craft and Neufeld were excused on legislative business.
Reps. Aurand, Ballard, Finney, Garcia, Henderson, McCray-Miller, Peterson, Rardin, Schwab and Ward were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Cecil Washington, Jr., pastor, New Beginnings Baptist Church, Topeka:

Dear Lord,

As the Psalmist spoke in Psalm 100:4, of entering Your presence with thanksgiving and praise, we come before you today, with thanksgiving and praise for this moment in history . . . a moment that most of us never thought we would live to see. Thank You for our new President Obama. Bless and protect him and his family.

We thank You for those who have been, and shall be, undergirding the White House and this House with their prayers.

And, dear God, as these Representatives take on the tremendous weight of responsibilities, constantly remind them to lean on You. Remind them to represent You.

And, Lord, I know that we don't have to remind You of what You have said in Your Word. We just have to remind ourselves. Through the Psalmist, You said, in Psalm 127:1, "Except the Lord build the house, they labour in vain that build it . . ." Let the labors here be to Your glory and honor and to the good of Your people.

Father, in the days and weeks to come, bless each one with a special sense of Your presence, Your knowledge and wisdom.

And when this day has come to a close, give us a calm assurance, that You have already begun to answer our prayers.

Thank You Father. In the Name of Your Son, Jesus Amen!

The Pledge of Allegiance was led by Rep. Hawk.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2042, An act concerning electronic transactions; making certain acts unlawful; amending K.S.A. 16-1617 and repealing the existing section, by Joint Committee on Administrative Rules and Regulations.

HB 2043, An act concerning utilities; establishing the net metering and easy connection act for wind generation; amending K.S.A. 2008 Supp. 66-1,184 and repealing the existing section, by Committee on Energy and Utilities.

HB 2044, An act concerning insurance; relating to converted policies; pertaining to premium payments by terminated employees; amending K.S.A. 2008 Supp. 40-2209 and repealing the existing section, by Joint Committee on Administrative Rules and Regulations.

HB 2045, An act designating bridge no. 85 on United States highway 166 in Labette county as the veterans memorial bridge, by Representative Proehl.

HB 2046, An act concerning the mineral severance tax; relating to time of payment and making a return; amending K.S.A. 79-4220 and 79-4221 and repealing the existing sections, by Committee on Taxation.

HB 2047, An act concerning the Kansas estate tax act; relating to imposition of tax; continuation; rates; application of act; amending K.S.A. 2008 Supp. 79-15,203 and 79-15,251 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 79-15,253, by Committee on Taxation.

HB 2048, An act concerning sales taxation; relating to exemptions; All American Beef Battalion, Inc.; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2049, An act concerning the hunter safety orientation programs in schools, by Committee on Agriculture and Natural Resources.

HB 2050, An act concerning water; relating to certain fees and disbursement thereof; concerning certain water permits; amending K.S.A. 2008 Supp. 82a-708a, 82a-708b, 82a-714 and 82a-727 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

HB 2051, An act concerning utilities; establishing the net metering and easy connection act for solar generation; amending K.S.A. 2008 Supp. 66-1,184 and repealing the existing section, by Committee on Energy and Utilities.

HB 2052, An act relating to insurance; concerning the life and health insurance guaranty association; amending K.S.A. 2008 Supp. 40-3008 and repealing the existing section, by Committee on Insurance.

HB 2053, An act repealing K.S.A. 2008 Supp. 40-5101, 40-5102, 40-5103, 40-5104, 40-5105, 40-5106, 40-5107, 40-5108, 40-5109, 40-5110, 40-5111, 40-5112, 40-5113 and 40-5114; concerning the Kansas insurance score act, by Committee on Insurance.

HB 2054, An act relating to insurance; concerning title insurance; amending K.S.A. 40-1137 and repealing the existing section, by Committee on Insurance.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **HB 2039**, **HB 2040**.

Energy and Utilities: **HB 2033**, **HB 2034**, **HB 2035**, **HB 2036**, **HB 2037**, **HB 2038**.

Insurance: **HB 2041**.

Local Government: **HB 2029**, **HB 2030**, **HB 2031**, **HB 2032**.

CHANGE OF REFERENCE

Speaker pro tem Siegfried announced the withdrawal of **HB 2011** from Committee on Health and Human Services and referral to Committee on Federal and State Affairs.

STANDING COMMITTEES OF THE HOUSE LEGISLATIVE SESSION - 2009

Aging and Long-term Care: Bethell, Chairperson; Hill, Vice-chairperson; Donohoe, Horst, Myers, 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.

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

Appropriations: Yoder, Chairperson; Watkins, Vice-chairperson; Craft, Crum, DeGraaf, Donohoe, Faber, Holmes, Kelley, Light, Mast, McLeland, Tafanelli, Whitham.

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

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

Commerce and Labor: Brunk, Chairperson; Grange, Vice-chairperson; Bethell, Bowers, Hermanson, Kerschen, Pottorff, Prescott, Quigley, Schwab, B. Wolf, Worley.

Ruiz, Ranking Minority Member; Garcia, S. Gatewood, Grant, Henderson, Palmer, Tietze.

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

McCray-Miller, Ranking Minority Member; Dillmore, 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; Brookens, Gordon, Hill, Hineman, Huebert, Neufeld, Otto, Roth, Spalding, Vickrey.

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

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

Sawyer, 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, Svaty, Talia, Wetta.

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

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

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

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

Government Efficiency and Fiscal Oversight: Morrison, Chairperson; Burgess, Vice-chairperson; Landwehr, Neufeld, Roth, Sloan, Spalding, Swenson, Vickrey.

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

Health and Human Services: Landwehr, Chairperson; Crum, Vice-chairperson; Gordon, Hermanson, Mast, Morrison, Otto, Quigley, Schwab, Schroeder, Siegfried.

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

Higher Education: Huntington, Chairperson; Rhoades, Vice-chairperson; Horst, McLeland, Moxley, Prescott, Swenson.

Mah, Ranking Minority Member; T. Brown, Palmer, Winn.

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

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

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

Judiciary: Kinzer, Chairperson; Whitham, Vice-chairperson; Grange, Brookens, Colloton, Jack, King, Kleeb, Patton, Watkins, 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: Schultz, Chairperson; Kinzer, Whitham

Sawyer, Vice-chairperson; Pauls.

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

Menghini, Ranking Minority Member; Benlon, Dillmore, Frownfelter, Goyle, Hawk, Lukert, McCray-Miller, Rardin.

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

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

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

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

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

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

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

Carlin, Ranking Minority Member; Lukert, Williams.

Education Budget: McLeland, Chairperson; Aurand, Vice-chairperson; Carlson, Craft, Huntington.

Lane, Ranking Minority Member; Feuerborn, Rardin.

General Government Budget: Watkins, Chairperson; Kelley, Vice-chairperson; DeGraaf, Donohoe, Pottorff, Whitham.

Burroughs, Ranking Minority Member; Sawyer, Talia.

Legislative Budget: Yoder, Chairperson; Merrick, Vice-chairperson; Siegfried, Mast, O'Neal

Davis, Ranking Minority Member; Phelps, Ward.

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

Henry, Ranking Minority Member; Ballard, Hawk.

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

Gatewood, Ranking Minority Member; Finney, Frownfelter.

Select Committees

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

Flaharty, Ranking Minority Member; Lane, Long

On motion of Rep. Mast, the House adjourned until 11:00 a.m., Thursday, January 22, 2009.

Journal of the House

EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 22, 2009, 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.

Rep. Svaty was excused on legislative business.

Reps. Aurand, Ballard, Crow, Henderson, Kiegerl, Schwab and Schwartz were excused on excused absence by the Speaker.

Prayer by guest chaplain, Father Brian Schieber, Most Pure Heart of Mary Catholic Church, Topeka:

Gracious Father you created us in your own image and likeness and said of each and everyone of us that we are very, very good.

On this 36th anniversary of the Supreme Court decision Roe vs. Wade we remember the over 53,000,000 beautiful, innocent unborn children who have been legally exterminated in our land.

Forgive us Lord for the times that we have not raised our voices in defense of those who have no voice.

Lord may this injustice move us to action. May we no longer stand by idle. Give us the virtue of fortitude to enact just laws that will respect the unalienable rights that you our Creator have endowed, the first of these being the right to life.

By your grace, guide us to transform this culture of death into a culture of life and a civilization of love. May we here in the heartland of America have hearts on fire for life and liberty and love. We make this prayer through Christ our Lord. Amen.

The Pledge of Allegiance was led by Rep. Quigley.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2055, An act concerning the department on aging; relating to the senior services fund; creating the health care for seniors fund; disposition of certain additional lottery proceeds; prescribing certain powers, duties and functions for the secretary of aging; amending K.S.A. 2008 Supp. 74-8768 and repealing the existing section, by Committee on Aging and Long Term Care.

HB 2056, An act concerning the department on aging; relating to the senior services fund; creating the health care for seniors fund; disposition of certain additional tobacco litigation settlement proceeds; prescribing certain powers, duties and functions for the secretary of aging; amending K.S.A. 38-2101 and repealing the existing section, by Committee on Aging and Long Term Care.

HB 2057, An act enacting the geriatric mental health act; establishing a geriatric mental health program administered by the department on aging, by Committee on Aging and Long Term Care.

HB 2058, An act; creating the health care for seniors fund; concerning the disposition of a sales tax and compensating use tax proceeds; prescribing certain powers, duties and functions for the secretary of aging and secretary of revenue; amending K.S.A. 2008 Supp.

79-3620 and 79-3710 and repealing the existing sections, by Committee on Aging and Long Term Care.

HB 2059, An act concerning proceeds derived from violation of the uniform controlled substances act or any substantially similar offense from another jurisdiction; amending K.S.A. 65-4142 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2060, An act concerning crimes and punishment; relating to battery against a law enforcement officer; amending K.S.A. 2008 Supp. 21-4704 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2061, An act establishing the board of professional educators; prescribing the powers and duties thereof, by Representative Sloan.

HB 2062, 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, 41-2637, 41-2641, 41-2642, 41-2643, 41-2705, 41-2706, 41-2707, 41-2709, 41-2722, 41-2726, 79-4101, 79-4102, 79-4103, 79-4104, 79-41a01, 79-41a02, 79-41a04, 79-41a06, 79-41a07 and 79-41a08 and K.S.A. 2008 Supp. 41-102, 41-104, 41-209, 41-308b, 41-712, 41-805, 41-2611, 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. 41-403 and 41-2712 and K.S.A. 2008 Supp. 41-2702, 41-2703 and 41-2708, by Committee on Federal and State Affairs.

HB 2063, An act concerning weights and measures; relating to fees charged by the secretary of agriculture; amending K.S.A. 2008 Supp. 83-214, 83-219, 83-302 and 83-402 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 83-502, by Committee on Agriculture and Natural Resources.

HB 2064, An act enacting the night sky protection act; relating to light emissions affecting luminance of the nighttime sky for certain protected places, by Committee on Energy and Utilities.

HB 2065, An act concerning intensive groundwater control areas; amending K.S.A. 82a-1036 and repealing the existing section, by Joint Committee on Administrative Rules and Regulations.

HB 2066, An act concerning elections; pertaining to compliance with the Help America Vote Act (HAVA); amending K.S.A. 25-2354 and 25-3304 and K.S.A. 2008 Supp. 25-1122, 25-1122d, 25-1123, 25-2309 and 25-2908 and repealing the existing sections, by Committee on Elections.

HB 2067, An act concerning the Kansas home inspectors registration board; amending K.S.A. 2008 Supp. 58-4503 and repealing the existing section, by Committee on Commerce and Labor.

HB 2068, An act concerning real estate brokers and salespersons; relating to licensure; amending K.S.A. 2008 Supp. 58-3035, 58-3046a, 58-3050, 58-3062, 58-3080, 58-3082, 58-3083, 58-3084, 58-3085 and 58-3086 and repealing the existing sections, by Committee on Commerce and Labor.

HOUSE CONCURRENT RESOLUTION No. 5003—

By Representatives Flaharty, Ballard, Benlon, Carlin, Crow, Davis, Finney, D. Gatewood, Huntington, Long, Mah, McCray-Miller, Neighbor, Quigley, Rardin, Ruiz, Swenson, Trimmer, Ward, Wetta, Winn and K. Wolf

A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, concerning equal rights for men and women.

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 15 of the constitution of the state of Kansas is amended by adding a new section thereto to read as follows:

“§ 17. **Equal rights.** Equality of rights under the law shall not be denied or abridged by the state or any of its political or taxing subdivisions on account of sex.”

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

“Explanatory statement. There is currently no constitutional provision specifically addressing equal rights of men and women. There are laws that prohibit discrimination in employment, housing and wages based on sex.

“A vote for this proposition would amend the Kansas constitution to incorporate into it the prohibition of discrimination based on sex. The proposed constitutional amendment would prohibit the state or any of its political or taxing subdivisions from enacting laws discriminating against men or women based on sex.

“A vote against this proposition would not amend the constitution, in which case the current laws would remain unchanged but could be amended by future acts of the legislature or its political or taxing subdivisions or modified by judicial interpretation.”

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.

HOUSE CONCURRENT RESOLUTION No. 5004—

By Committee on Agriculture and Natural Resources

A CONCURRENT RESOLUTION urging the United States Congress to oppose federal legislation that interferes with a state’s ability to direct the transport or processing of horses.

WHEREAS, The processing of horses has become a controversial and emotional issue and has resulted in the closing of all horse processing facilities throughout the United States; and

WHEREAS, Federal legislation was introduced to amend the 1970 Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling or donation of horses and other equines for processing and other purposes; and

WHEREAS, The loss of secondary markets has severely impacted the livestock industry by eliminating the salvage value of horses and has significantly reduced the market value of all horses; and

WHEREAS, Prohibitions regarding the processing of horses have resulted in significant increases in abandoned and starving animals and have had significant economic impact on the entire equine industry; and

WHEREAS, The increase in unwanted or unusable horses has overwhelmed private animal welfare agencies and the public’s ability to care for surplus domestic horses; and

WHEREAS, The annual number of unwanted or unusable surplus domestic horses is estimated to be 100,000, compounding annually; and

WHEREAS, Issues related to the humane handling and slaughter of surplus domestic horses are best addressed by proper regulations and inspection and not by banning or exporting the issue; and

WHEREAS, State agriculture and rural leaders recognize the necessity and benefit of a state’s ability to direct the transport and processing of horses: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the United States Congress is urged to oppose federal legislation that interferes with a state’s ability to direct the transport or processing of horses; 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 United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Kansas legislative delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2049, HB 2050.**

Energy and Utilities: **HB 2043, HB 2051.**

Insurance: **HB 2044, HB 2052, HB 2053, HB 2054.**

Judiciary: **HB 2042.**

Taxation: **HB 2046, HB 2047, HB 2048.**

Transportation: **HB 2045.**

REPORT OF STANDING COMMITTEE

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

Request No. 3, Representative Elaine Bowers congratulating Doug Moore for induction into the National Wrestling Hall of Fame.

Request No. 4, Representative Elaine Bowers congratulating the City of Glasco for winning the Kansas PRIDE Award.

Request No. 5, by Representative Elaine Bowers congratulating Adele Lewis on her 100th birthday.

Request No. 6, by Representative Dan Johnson congratulating Logan L. Glaze for graduating from Fort Hays State University December 2008.

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 adjourned pro forma until 10:00 a.m., Friday, January 23, 2009.

Journal of the House

NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, January 23, 2009, 10:00 a.m.

The House met session pro forma 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 2069, An act concerning state government; relating to compensation of legislators; providing for a reduction in hours of work for certain executive branch positions; concerning nonessential state owned buildings; amending K.S.A. 2008 Supp. 46-137a and repealing the existing section, by Representative Otto.

HB 2070, An act concerning income taxation; repealing the income tax credit under the Kansas community services program act; amending K.S.A. 40-253a and K.S.A. 2008 Supp. 40-2803, 40-2804, 74-50.208, 79-32,117 and 79-32,215 and repealing the existing sections; also repealing K.S.A. 79-32,194 and 79-32,199 and K.S.A. 2008 Supp. 79-32,117m, 79-32,195, 79-32,196, 79-32,197, 79-32,197a, 79-32,198, 79-32,199a and 79-32,199b, by Committee on Taxation.

HB 2071, An act concerning sales taxation; relating to countywide retailers' sales tax in Rawlins county; amending K.S.A. 2008 Supp. 12-187 and 12-189 and repealing the existing sections, by Committee on Taxation.

HB 2072, An act concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; disability benefits; amending K.S.A. 2008 Supp. 74-4960a and repealing the existing section, by Joint Committee on Pensions, Investments and Benefits.

HB 2073, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; purchase of service credit, by Joint Committee on Pensions, Investments and Benefits.

HB 2074, An act concerning property taxation; relating to real property taxes due and unpaid; interest and penalties; redemption procedures; amending K.S.A. 2008 Supp. 79-2004 and 79-2401a and repealing the existing sections, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Aging and Long Term Care: **HB 2055**, **HB 2056**, **HB 2057**.

Agriculture and Natural Resources: **HB 2063**, **HB 2065**; **HCR 5004**.

Commerce and Labor: **HB 2067**, **HB 2068**.

Corrections and Juvenile Justice: **HB 2059**, **HB 2060**.

Education: **HB 2061**.

Elections: **HB 2066**.

Energy and Utilities: **HB 2064**.

Federal and State Affairs: **HB 2062**; **HCR 5003**.

Taxation: **HB 2058**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2019** from Committee on Health and Human Services and referral to Committee on Aging and Long Term Care.

COMMUNICATIONS FROM STATE OFFICERS

From Russell Jennings, Chair, Kansas Substance Abuse Policy Board, January 2009 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 8, SB 14, SB 19**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 8, SB 14, SB 19.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, January 25, 2009.

Journal of the House

TENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, January 26, 2009, 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. Olson was excused on excused absence by the Speaker.

Prayer by guest chaplain, Mr. Joe Lohrbach, Bethel Baptist Church, Topeka, guest of Rep. Tafanelli:

Our Precious Heavenly Father

We humbly come before you this morning, thanking you and praising you for who you are, being the Lord and leader of our lives. Today we ask you to watch and care over the House of Representatives, their staff, and everyone working in the House today. In 1 Peter 5:6, you tell us to cast all our cares upon you, for you care for us. Today we cast each and every decision, each and every bill and resolution upon you today. We ask that you lift up each and every Representative with strength, knowledge, and wisdom as they have the responsibility to do what is right for our people and for the State of Kansas. Father, we also praise you and thank you for the privilege to live and serve in the Great State of Kansas. Father, we ask for your will to be done in all matters that come across the table today. Most of all Father, thank you for your son, Jesus, who died on the cross for each and everyone of us, that we may be with you for ever and ever. We ask all this, in your son's precious and mighty name of Jesus. Amen.

The Pledge of Allegiance was led by Rep. Palmer.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2075, An act concerning insurance; providing coverage for colorectal cancer screening; amending K.S.A. 2008 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Representatives K. Wolf, Benlon, Bowers, Brookens, Burgess, Burroughs, Carlin, Coloton, Craft, Crow, Feuerborn, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grange, Grant, Hawk, Hill, Hineman, C. Holmes, 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, B. Wolf and Worley.

HB 2076, An act concerning abortion; regarding the woman's right-to-know act; amending K.S.A. 65-6709 and 65-6710 and repealing the existing sections, by Representatives Kinzer, A. Brown, Brunk, DeGraaf, Donohoe, Faber, George, Goico, Grange, Hermanson, Huebert, Jack, Kelley, Kiegerl, Knox, Landwehr, Lukert, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, Olson, Otto, Palmer, Patton, Pauls, Peck, Powell, Rhoades, Schroeder, Schwab, Shultz, Siegfried, Vickrey, Watkins, Williams and B. Wolf.

HB 2077, An act concerning elections; amending K.S.A. 2008 Supp. 25-1122, 25-1123, 25-2908 and 25-3002 and repealing the existing sections, by Committee on Elections.

HB 2078. An act concerning income taxation; relating to certain net operating losses; amending K.S.A. 2008 Supp. 79-32,143 and repealing the existing section, by Special Committee on Assessment and Taxation.

HB 2079. An act concerning sales taxation; relating to refunds; certain purchases of telecommunications machinery and equipment, by Special Committee on Assessment and Taxation.

HB 2080. An act; concerning solid waste; relating to the waste tire management fund; amending K.S.A. 2008 Supp. 65-3424g and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2081. An act concerning milk and dairy products; relating to certain fees fixed by the secretary of agriculture; amending K.S.A. 2008 Supp. 65-771, 65-778 and 65-781 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2069.**

Corrections and Juvenile Justice: **SB 14.**

Federal and State Affairs: **SB 19.**

Judiciary: **SB 8.**

Taxation: **HB 2070, HB 2071, HB 2074.**

Select Committee on KPERS: **HB 2072, HB 2073.**

COMMUNICATIONS FROM STATE OFFICERS

From J. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks, in accordance with K.S.A. 32-844 and 32-845, Land Acquisition and Lease Renewal Report, January 5, 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. Mast, **HR 6006**, by Rep. Mast, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6006—

A RESOLUTION recognizing and thanking Jesse Solis and the city of Emporia, Kansas for the dedication of an American Braille tactile flag.

WHEREAS, Jesse Solis, who has been instrumental in raising awareness for this braille flag, on behalf of Emporia, Kansas, is dedicating an American Braille tactile flag with the pledge of allegiance transcribed in braille to the Senate President Steve Morris to be displayed in the capitol building; and

WHEREAS, Armistice Day was expanded to Veterans Day after an Emporia resident, Al King, led a campaign to honor all veterans on November 11, 1953, making Emporia the founding city for Veterans Day; and

WHEREAS, Randolph Cabral, founder of the Kansas Braille Transcription Institute in Wichita, designed the braille flag for his father, Jesus Sanchez “Chuy” Cabral, a veteran of World War II, after he lost his vision; and

WHEREAS, Congressman Tiahrt sponsored a bill that placed an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans and other Americans; and

WHEREAS, Currently, the United States has over 1,000,000 blind and low-vision veterans and the Department of Defense estimates that 16 percent of those injured in Operation Iraqi Freedom and Operation Enduring Freedom suffer from severe vision loss; and

WHEREAS, This braille flag enables all visually impaired Kansans to appreciate Old Glory and to read the pledge of allegiance: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize and thank Jesse Solis and the city of Emporia for dedicating an American Braille tactile flag

for display in the capitol building so that all visually impaired Kansans can fully appreciate Old Glory and can be reminded of all that she means to us.

On behalf of Rep. Mast, Rep. Hill introduced Jesse Solis, Emporia, who was instrumental in raising awareness for the braille flag. Accompanying Mr. Solis to the House were Penny Oliver, Patricia Hayes, John Clark, Randal Cabral, James Redick, Marshall Havenhill, Matt Zimmerman, and Gary Eichorn.

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 2082, An act concerning the advertising and conducting of certain live musical performances or productions; providing for certain restrictions enforcement and penalties, by Committee on Federal and State Affairs.

HB 2083, An act concerning historic preservation; pertaining to environs review; amending K.S.A. 2008 Supp. 75-2724 and repealing the existing section, by Committee on Local Government.

HB 2084, An act concerning cities; relating to annexation of territory; amending K.S.A. 2008 Supp. 12-520 and repealing the existing section, by Representatives Wetta and DeGraaf.

HB 2085, An act concerning veterans; relating to the veterans claims assistance program; service grant eligibility requirements; amending K.S.A. 2008 Supp. 73-1234 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2086, An act concerning veterans; relating to the veterans claims assistance advisory board; board composition; amending K.S.A. 2008 Supp. 73-1235 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2087, An act enacting the Kansas professional employer organization licensing act, by Committee on Insurance.

HB 2088, An act concerning insurance; providing reimbursement for certain services; amending K.S.A. 2008 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Insurance.

HB 2089, An act relating to insurance; concerning life insurance; valuation of policies; reserves; amending K.S.A. 2008 Supp. 40-409 and repealing the existing section, by Committee on Insurance.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, January 27, 2009.

Journal of the House

ELEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, January 27, 2009, 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. Quigley was excused on verified illness.
Rep. Kelley was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
As we watch the nightly news,
it is no secret that these are rough times economically,
nationally and statewide.
We, as a body, have the privilege and responsibility of
finding and implementing solutions
for the problems of this state.
Unfortunately, it isn't as easy as
Wendy's 3economics or even
pushing the Staple's EASY button.
Thus, we desperately need to hear your voice
in the midst of all the voices giving opinions.
Give us wisdom — give us direction —
and give us the strength to not only make
tough decisions, but be willing
to personally model those decisions ourselves.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Hermanson.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. King are spread upon the journal:

Two years ago, I had the privilege of introducing my first child, Amelie, to the Kansas House. Today, I am honored to introduce my son, Alec Riley King, to the body. With me today are my wife, Kimberly, daughter, Amelie, and my 6-month old son, Alec.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2090, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; affiliation by county for county detention officers; normal retirement date; costs, by Joint Committee on Pensions, Investments and Benefits.

HB 2091, An act relating to manufactured housing; concerning modular homes; amending K.S.A. 58-4203 and repealing the existing section, by Committee on Financial Institutions.

HB 2092, An act relating to real property; prohibiting certain transfer fee covenants, by Committee on Financial Institutions.

HB 2093, An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010 and June 30, 2011, 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. 2008 Supp. 55-193, 79-2978, 79-2979, 79-3425i, 79-34,156, 79-4801 and 82a- 953a and repealing the existing sections, by Committee on Appropriations.

HB 2094, An act making and concerning appropriations for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, and June 30, 2014, for the department on aging, the department of social and rehabilitation services and the department of health and environment — division of health; 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.

HB 2095, An act concerning school districts; relating to school finance; relating to the powers and duties of school boards; amending K.S.A. 2008 Supp. 10-1116a, 72-6433, 72-8801 and 72-8814 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 72-6433c, by Committee on Appropriations.

HB 2096, An act concerning crimes and punishment; relating to electronic solicitation; amending K.S.A. 21-3523 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2097, An act concerning criminal procedure; relating to jury selection; alternate or additional jurors; amending K.S.A. 22-3412 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2098, An act concerning crimes, punishment and criminal procedure; relating to sexual offenses; amending K.S.A. 21-3525 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2099, An act concerning criminal procedure; relating to withdrawal of guilty pleas; amending K.S.A. 22-3210 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2100, 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 2101, An act concerning school districts; relating to school finance; relating to supplemental general state aid; amending K.S.A. 2008 Supp. 72-6434 and repealing the existing section, by Committee on Education.

HB 2102, An act concerning school districts; relating to the powers and duties of the governing bodies thereof; amending K.S.A. 2008 Supp. 72-1046b and repealing the existing section, by Representative Aurand.

HB 2103, An act concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 72-6412 and repealing the existing section, by Committee on Education.

HB 2104, An act concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 72-6412, 72-6455 and 72-6459 and repealing the existing sections, by Committee on Education.

HB 2105, An act concerning school districts; relating to contracts of employment; amending K.S.A. 72-5452 and K.S.A. 2008 Supp. 72-5437 and repealing the existing sections, by Committee on Education.

HB 2106, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; amending K.S.A. 2008 Supp. 74-4914 and repealing the existing section, by Committee on Higher Education.

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, by Committee on Higher Education.

HB 2108, An act concerning income taxation; relating to credits; education expenses, by Committee on Higher Education.

HB 2109, An act concerning health care; enacting the Kansas uniform health care decisions act; amending K.S.A. 39-1401, 40-2130 and 65-1734 and K.S.A. 2008 Supp. 58-654, 59-3075, 65-2837 and 65-4974 and repealing the existing sections; also repealing K.S.A. 58-

625, 58-626, 58-627, 58-628, 58-629, 58-630, 58-631, 58-632, 65-28,101, 65-28,102, 65-28,103, 65-28,104, 65-28,105, 65-28,106, 65-28,108, 65-28,109, 65-4941, 65-4942, 65-4943, 65-4944, 65-4945, 65-4946, 65-4947 and 65-4948 and K.S.A. 2008 Supp. 65-28,107, by Committee on Judiciary.

HB 2110. An act concerning civil procedure; relating to property damage amount; amending K.S.A. 60-2006 and repealing the existing section, by Committee on Judiciary.

HB 2111. An act concerning the Kansas commission on judicial performance; relating to sunset provisions; amending K.S.A. 20-3201 and K.S.A. 2008 Supp. 20-367, 28-172a, 59-104, 60-1621, 60-2001, 61-2704 and 61-4001 and repealing the existing sections, by Committee on Judiciary.

HB 2112. An act concerning consumer protection; amending K.S.A. 50-623, 50-624, 50-634 and 50-636 and repealing the existing sections, by Committee on Judiciary.

HB 2113. An act concerning crimes and punishment; relating to certain crimes against court services officers; amending K.S.A. 21-3409, 21-3411, 21-3413 and 21-3415 and K.S.A. 2008 Supp. 21-3110 and 75-5133 and repealing the existing sections, by Committee on Judiciary.

HB 2114. An act amending the uniform commercial code; concerning the payment of presented checks; amending K.S.A. 84-4-404 and repealing the existing section, by Committee on Financial Institutions.

HB 2115. An act repealing K.S.A. 21-4211, relating to interference with an emergency call, by Committee on Energy and Utilities.

HB 2116. An act concerning utilities; relating to base load projections and energy efficiency and load management programs, by Committee on Energy and Utilities.

HB 2117. An act concerning utilities; establishing a retail tariff for wind generation, by Committee on Energy and Utilities.

HB 2118. An act concerning social workers; social worker safety training; amending K.S.A. 2008 Supp. 65-6313 and repealing the existing section, by Committee on Health and Human Services.

HB 2119. An act relating to taxation; imposing a special tax on wages paid by certain employers; concerning procedures relating thereto, by Representative Otto.

HB 2120. An act concerning tourism; creating the Kansas tourism corporation and providing for the powers and duties thereof; transferring the powers and duties of the division of travel and tourism development to the Kansas tourism corporation; providing for tourism development and funding; amending K.S.A. 73-2103 and K.S.A. 2008 Supp. 73-2402, 73-2404, 74-5005 and 79-3620 and repealing the existing sections; also repealing K.S.A. 74-5032, 74-5032a and 74-5090 and K.S.A. 2008 Supp. 74-5089, 74-5091, 74-9001, 74-9002, 74-9003, 74-9004 and 74-9005, by Committee on Economic Development and Tourism.

HB 2121. An act concerning agriculture; relating to pesticide and fertilizer programs of the department of agriculture; concerning fees for such programs; definitions; amending K.S.A. 2-2203, 2-2205, 2-2206, 2-2207, 2-2209, 2-2214, 2-2440a, 2-2440c, 2-2440e, 2-2446, 2-2449, 2-2450, 2-2454, 2-2455, 2-2470 and 2-2471 and K.S.A. 2008 Supp. 2-1205, 2-2202, 2-2204, 2-2438a, 2-2440, 2-2440b, 2-2441a, 2-2443a, 2-2445a, 2-2469, 2-2905, 2-2906, 2-3304, 2-3306 and 2-3309 and repealing the existing sections; also repealing K.S.A. 2-1211 and 2-2466, by Committee on Agriculture and Natural Resources.

HB 2122. An act concerning the highway advertising control act; amending K.S.A. 2008 Supp. 68-2232, 68-2233 and 68-2234 and repealing the existing sections, by Representative Otto.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2080, HB 2081.**

Elections: **HB 2077.**

Federal and State Affairs: **HB 2076.**

Insurance: **HB 2075, HB 2087, HB 2088, HB 2089.**

Judiciary: **HB 2082.**

Local Government: **HB 2083, HB 2084.**

Taxation: **HB 2078, HB 2079.**

Veterans, Military and Homeland Security: **HB 2085, HB 2086.**

COMMUNICATIONS FROM STATE OFFICERS

From Kent E. Olson, Director, Division of Accounts and Reports, Kansas Department of Administration, Comprehensive Annual financial Report, July 1, 2007 to June 30, 2008.

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 adjourned until 11:00 a.m., Wednesday, January 28, 2009.

Journal of the House

TWELFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 28, 2009, 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. Slattery was excused on verified illness.
Reps. Kelley, Landwehr and Mah were excused on excused absence by the Speaker.
Prayer by Chaplain Brubaker:

Father God,
"The fruit of silence is prayer
the fruit of prayer is faith
the fruit of faith is love
the fruit of love is service
the fruit of service is peace."

(Mother Theresa)

This prayer of Mother Theresa is
what I pray for our state leaders today.
May the fruits of our prayers,
faith, love and service result in peace.
Today we want to remember Representative Kelley
and her family in the loss of her grandfather.
Please bring the comfort and grace needed
at a time such as this.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Phelps.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Bowers are spread across the Journal:

It is always thrilling to stand down here — however it is even more thrilling to share milestones with my colleagues. Monday afternoon, my son, Charles and his wife Julie were in labor. I clutched my phone waiting for it to vibrate with a call or text. After numerous texts from me, I received one back — *things going very well—texting stinks!!* Four hours later, I get a picture text — no words — just a picture of a pink baby in a pink blanket — all of fifteen minutes old. Madalyn Kay Bowers came into our world at 5:13 p.m. weighing in at 7lb. 1 oz. and 19¾ inches tall. BTW (by the way) — my response to my son's — *texting stinks — yes, but life is good.* His response: *life is very, very good!* I'll second that — very good indeed!! Thank you for allowing me to share this moment with you!

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Swanson are spread upon the journal:

It is my pleasure to welcome to the House Chamber from Chapman Mayor Bob Gaetz, City Councilman Phil Weishaar, and City Clerk Marietta Lucas.

As you know a deadly tornado tore through Chapman the night of June 11. With 75% of their community damaged or destroyed, including their own properties, these three individuals, other city officials, and thousands of volunteers worked countless hours to restore their city.

And I would add that Marietta is the President of the City Clerks and Municipal Finance Officers Association of Kansas.

Please join me in recognizing these three individuals who represent all of those who have worked so hard the days and weeks following the tornado and continue to do so.

Rep. Swanson presented them with a framed House certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2123, An act concerning the courts; creating the court of appeals nominating commission; appointment of judges; amending K.S.A. 20-3004, 20-3005, 20-3006, 20-3007 and 20-3010 and K.S.A 2008 Supp. 20-3002 and repealing the existing sections; also repealing K.S.A. 20-3008 and 20-3009, by Committee on Judiciary.

HB 2124, An act concerning planning and zoning; dealing with certain easements; amending K.S.A. 19-2633 and 19-2961 and K.S.A. 2008 Supp. 12-752 and repealing the existing sections, by Committee on Local Government.

HB 2125, An act concerning registers of deeds; pertaining to duties regarding plats; amending K.S.A. 19-1207, 58-3115 and 58-3707 and repealing the existing sections, by Committee on Local Government.

HB 2126, An act concerning telecommunications; relating to providing caller location in emergency situations, by Committee on Energy and Utilities.

HB 2127, An act concerning utilities; establishing the renewable energy standards act; establishing the net metering and easy connection act; relating to energy efficiency for state buildings; amending K.S.A. 2008 Supp. 66-1,184 and By Committee on Energy and Utilities.

HB 2128, An act relating to insurance; concerning the assignment of insurance payments for covered services; amending K.S.A. 2008 Supp. 40-2,103, 40-19c06 and 40-19c09 and repealing the existing sections, by Committee on Insurance.

HOUSE CONCURRENT RESOLUTION No. 5005—

By Committee on Judiciary

A PROPOSITION to amend section 5 of article 3 of the constitution of the state of Kansas, relating to the selection of justices of the supreme court.

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 5 of article 3 of the constitution of the state of Kansas is hereby amended to read as follows:

“§ 5. Selection of justices of the supreme court. (a) Any vacancy occurring in the office of any justice of the supreme court and any position to be open thereon as a result of enlargement of the court, or the retirement or failure of an incumbent to file ~~his~~ *such justice's* declaration of candidacy to ~~succeed himself~~ *be retained in office* as hereinafter required, or failure of a justice to be elected to ~~succeed himself~~ *be retained in office*, shall be filled by appointment by the governor of ~~one of three persons~~ *possessing the qualifications of office who shall be nominated and whose names shall be submitted to the governor by the supreme court nominating commission established as hereinafter provided, subject to confirmation by the senate, of a person possessing the qualifications of office. The supreme court nominating commission, established as hereinafter provided, shall nominate and submit the names of three qualified persons to the governor. The governor shall appoint one of the nominated persons or elect not to appoint one of the nominated persons and request that the nominating commission submit the names of three new qualified persons to*

the governor. Such subsequent nominations shall be by the same procedure as provided in this article and law not in conflict with this article.

(b) ~~In event of the failure of the governor to make the appointment within sixty days from the time the names of the nominees are submitted to him, the chief justice of the supreme court shall make the appointment from such nominees. No person appointed pursuant to subsection (a) of this section shall assume the office of justice of the supreme court until confirmed by the senate as provided in this article and law not in conflict with this article. The senate shall consider and act upon the appointment not later than 30 days after such appointment is received by the senate, if the senate is in session during a regular legislative session. If the senate is not in session and will not be in session within the 30-day time period, the vacancy shall remain open until the next regular legislative session. A special session of the legislature shall not be convened for the sole purpose of considering and acting on such appointment. In the event the senate does not confirm the appointment, the commission, within 30 days after the senate vote on the previous appointee, shall meet to submit to the governor a panel of three nominees possessing the qualifications of office. Such three nominees may include a person or persons who were previously nominated for such vacancy but not appointed by the governor. Such subsequent appointment shall be considered by the senate in the same procedure as provided in this article and law not in conflict with this article. The same appointment and confirmation procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but was not confirmed by the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the 30-day time limitation during a regular legislative session, the senate shall be deemed to have given consent to such appointment.~~

(c) Each justice of the supreme court appointed pursuant to provisions of subsection (a) of this section ~~and confirmed pursuant to the provisions of subsection (b) of this section~~ shall hold office for an initial term ending on the second Monday in January following the first general election that occurs after the expiration of twelve months in office. Not less than sixty days prior to the holding of the general election next preceding the expiration of ~~his such justice's~~ term of office, any justice of the supreme court may file in the office of the secretary of state a declaration of candidacy for election to ~~succeed himself~~ ~~be retained in office~~. If a declaration is not so filed, the position held by such justice shall be open from the expiration of ~~his such justice's~~ term of office. If such declaration is filed, ~~his such justice's~~ name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows:

“Shall _____

(Here insert name of justice.)

_____ (Here insert the title of the court.)

be retained in office?”

If a majority of those voting on the question vote against retaining ~~him such justice~~ in office, the position or office which ~~he such justice~~ holds shall be open upon the expiration of ~~his such justice's~~ term of office; otherwise ~~he such justice~~ shall, unless removed for cause, remain in office for the regular term of six years from the second Monday in January following such election. At the expiration of each term ~~he such justice~~ shall, unless by law ~~he such justice~~ is compelled to retire, be eligible for retention in office by election in the manner prescribed in this section.

(d) A nonpartisan nominating commission whose duty it shall be to nominate and submit to the governor the names of persons for appointment to fill vacancies in the office of any justice of the supreme court is hereby established, and shall be known as the “supreme court nominating commission.” Said commission shall be organized as hereinafter provided.

(e) The supreme court nominating commission shall be composed as follows: ~~One member, who shall be chairman, chosen from among their number by the members of the bar who are residents of and licensed in Kansas, one member from~~

~~each congressional district chosen from among their number by the resident members of the bar in each such district, and one member, who is not a lawyer, from each congressional district, appointed by the governor from among the residents of each such district. Three members appointed by the speaker of the house of representatives, three members appointed by the president of the senate and three members appointed by the governor. Only one such member from each of the three appointing authorities shall be a member of the bar who resides and is licensed in Kansas. The chairperson shall be selected by members of the commission.~~

(f) The terms of office, the procedure for selection and certification of the members of the commission and provision for their compensation or expenses shall be as provided by the legislature.

(g) No member of the supreme court nominating commission shall, while ~~he is~~ a member, hold any other public office by appointment or any official position in a political party or for six months thereafter be eligible for nomination for the office of justice of the supreme court. The commission may act only by the concurrence of a majority of its members.”

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 allow the governor to appoint a qualified person to the office of justice of the supreme court, and such person’s appointment would be required to be confirmed by the senate. The nonpartisan supreme court nominating commission membership would be changed to include appointments by the speaker of the house of representatives and the president of the senate. Only one of each such appointments would be a licensed attorney. The gubernatorial appointments to the commission would be reduced from four members to three members. The members of the bar would no longer elect members of the commission. The commission would continue to nominate three persons for appointment by the governor. A procedure is established whereby senate confirmation would occur within 30 days of receiving the appointment during the regular legislative session. If the senate does not confirm, the governor would then select an appointment from three nominated persons by the commission which would again go to the senate for confirmation. The same appointment and confirmation procedure would be followed until a valid appointment is made. If the senate fails to vote on an appointment within 30 days during the regular legislative session, it will be considered that the senate confirmed the appointment.

“A vote for this proposition would provide a procedure whereby the governor would appoint a person to be a supreme court justice and the senate would confirm the appointment of supreme court justices. The supreme court nominating commission would continue to nominate three qualified persons to the governor. The governor would appoint from the three nominated persons.

“A vote against this proposition would continue in effect the current provision whereby the supreme court nominating commission nominates three persons for the office of the supreme court and the governor appoints one of such persons.

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 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:

Agriculture and Natural Resources: **HB 2121.**

Appropriations: **HB 2093, HB 2094, HB 2095.**

Corrections and Juvenile Justice: **HB 2096, HB 2097, HB 2098, HB 2099, HB 2100, HB 2113.**

Economic Development and Tourism: **HB 2120.**

Education: **HB 2101, HB 2102, HB 2103, HB 2104, HB 2105.**

Energy and Utilities: **HB 2115, HB 2116, HB 2117.**

Financial Institutions: **HB 2091.**

Health and Human Services: **HB 2118.**

Judiciary: **HB 2109, HB 2110, HB 2111, HB 2112, HB 2114.**

Local Government: **HB 2092.**

Taxation: **HB 2108, HB 2119.**

Transportation: **HB 2122.**

Select Committee on KPERS: **HB 2090, HB 2106, HB 2107.**

COMMUNICATIONS FROM STATE OFFICERS

From Tom Thornton, President and CEO, Kansas Bioscience Authority, 2008 Progress Report Focused Strategy, Big Results.

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

REPORTS OF STANDING COMMITTEES

Committee on **Insurance** recommends **HB 2052** be passed.

Committee on **Rules and Journal** recommends **SCR 1601** be amended on page 4, in line 37, by striking all after the period; by striking all in lines 38 through 41; in line 42, by striking all before "The" and inserting "Except when a conference committee report is that members of the committee are unable to reach agreement or is a recommendation to accede to or recede from all amendments of the second house, copies of the report shall be made available as follows: (1) If the report is not more than six pages in length, not later than 30 minutes before the time of its consideration, electronic and paper copies of the report shall be made available to all members of the house considering the report; and (2) if the report is more than six pages in length, not later than 30 minutes before the time of its consideration, electronic copies of the report shall be made available to all members of the house considering the report and 10 paper copies of the report shall be made available to members at the clerk's or secretary's desk at the front of the respective house.";

On page 6, in line 23, by striking "11" and inserting "4"; in line 36, by striking "February 5" and inserting "January 30";

On page 7, in line 1, by striking "13" and inserting "6"; in line 18, by striking "25" and inserting "28"; and the concurrent resolution be adopted 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 2129, An act relating to driver's licenses; concerning the classes thereof; amending K.S.A. 8-234b and repealing the existing section, by Committee on Transportation.

HB 2130, An act relating to motor vehicles; providing for the support Kansas arts license plate; amending K.S.A. 2008 Supp. 8-1,141 and repealing the existing section, by Committee on Transportation.

HB 2131, An act relating to motor vehicles; concerning license plates for disabled veterans; amending K.S.A. 8-160 and repealing the existing section, by Committee on Transportation.

HB 2132, An act regulating traffic; prohibiting the sending, reading or writing of text messages while operating a motor vehicle; amending K.S.A. 2008 Supp. 8-2118 and repealing the existing section, by Committee on Transportation.

HB 2133. An act regulating traffic; concerning certain right-of-way violations; providing for increased penalties, by Committee on Transportation.

HB 2134. An act relating to motor vehicles; concerning distinctive license plates; amending K.S.A. 2008 Supp. 8-1,141 and repealing the existing section, by Committee on Transportation.

HB 2135. An act regulating traffic; concerning traffic-control lights; amending K.S.A. 8-1508 and repealing the existing section, by Committee on Transportation.

HB 2136. An act relating to drivers' licenses; requiring certain examinations for issuance or renewal of; amending K.S.A. 2008 Supp. 8-240 and 8-247 and repealing the existing sections, by Representative Mast.

HB 2137. An act relating to license plates; concerning the county designation thereon; amending K.S.A. 2008 Supp. 8-132, 8-134 and 8-147 and repealing the existing sections, by Representative Burroughs.

HB 2138. An act relating to motor vehicles; providing for a Kansas military family license plate; amending K.S.A. 2008 Supp. 8-1,141 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2139. An act concerning the disposition of district court fines, penalties and forfeitures; relating to the percentage credited to the department of corrections alcohol and drug abuse treatment program; amending K.S.A. 2008 Supp. 74-7336 and repealing the existing section, by Committee on Appropriations.

HB 2140. An act concerning retirement and pensions; relating to the Kansas public employees retirement system and certain systems thereunder; federal nontaxable distributions to certain retirants, by Committee on Appropriations.

HB 2141. An act concerning employment security law; relating to unemployment benefits for privately contracted school bus drivers; amending K.S.A. 2008 Supp. 44-706 and repealing the existing section, by Committee on Commerce and Labor.

HB 2142. An act concerning licensure and continuing education requirements for certain trades and crafts; amending K.S.A. 2008 Supp. 12-1509, 12-1526 and 12-1542 and repealing the existing sections, by Committee on Commerce and Labor.

HOUSE CONCURRENT RESOLUTION No. 5006—

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 1999, 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 1997 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 imme-~~

diately 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 census taken by the United States bureau of the census regarding non-resident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives.

"A vote for this amendment would eliminate the adjustment of census taken by the United States bureau of the census regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives.

"A vote against this amendment would continue in effect the requirement for the adjustment of census taken by the United States bureau of the census regarding nonresident military personnel and nonresident students 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.

COMMITTEE ASSIGNMENT CHANGES

Rep. Ward has been appointed to replace Rep. D. Gatewood on Committee on Appropriations effective January 29, 2009.

Also, Rep. Swenson is removed from Committee on Higher Education and Committee on Government Efficiency and Fiscal Oversight. These positions will remain vacant.

Also, Rep. Swenson will replace Rep. Lane on Committee on Federal and State Affairs; Rep. Swenson will replace Rep. Long on Committee on Financial Institutions; and Rep. Swenson will replace Rep. Long on Committee on Insurance.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, January 29, 2009.

Journal of the House

THIRTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 29, 2009, 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. Grange, Kelley and Mah were excused on excused absence by the Speaker.

Prayer by guest chaplain, Jim Sanborn, Emporia Christian School, guest of Rep. Mast:

Dear Heavenly father,

We come before you, thanking you for being a mysterious, wonderful, awesome God. We recognize that you are the one who has everything in this world under your control. We value your wisdom and discernment in the decisions that have to be made in this room today. We ask that you put a hedge about this building. May each legislator be guided by Scriptural principles. May they sense your presence as they make agonizing financial decisions about our state's budget. May they be unified for the good of the people of Kansas.

Thank you for allowing us to be born and live in this great nation. Thank you for your provision in our daily lives. We ask for the peace that only you can give. We pray for the peace of Jerusalem.

In Jesus' name we pray amen.

The Pledge of Allegiance was led by Rep. Rhoades.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2143, An act relating to driver's licenses; providing for certain restrictions; amending K.S.A. 8-235d and 8-296 and K.S.A. 2008 Supp. 8-237 and repealing the existing sections, by Committee on Transportation.

HB 2144, An act establishing the community defense act; amending K.S.A. 22-3901 and repealing the existing section, by Committee on Judiciary.

HB 2145, An act regulating traffic; failure to comply with traffic regulations or directions; amending K.S.A. 8-1531a and K.S.A. 2008 Supp. 8-2118 and repealing the existing sections, by Committee on Transportation.

HB 2146, An act regulating traffic; concerning permits for oversize or overweight vehicles; fees; amending K.S.A. 2008 Supp. 8-1911 and repealing the existing section, by Committee on Transportation.

HB 2147, An act regulating traffic; concerning the removal of certain vehicles from highways; amending K.S.A. 8-1603 and 8-1605 and K.S.A. 2008 Supp. 8-2118 and repealing the existing sections, by Committee on Transportation.

HB 2148, An act concerning the state capitol and grounds; relating to preservation, by Committee on Federal and State Affairs.

HB 2149, An act enacting the Kansas immigration accountability act, by Committee on Federal and State Affairs.

HB 2150, An act concerning property taxation; relating to valuation and assessment; amending K.S.A. 79-411, 79-501, 79-5a04 and 79-1439a and K.S.A. 2008 Supp. 79-412, 79-

1439, 79-1448 and 79-1606 and repealing the existing sections, by Representatives Brunk and A. Brown, Carlson, Crum, DeGraaf, Donohoe, Goico, Grange, Hermanson, M. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, Kinzer, Landwehr, McLeland, Myers, O'Brien, Olson, Patton, Peck, Rhoades and Siegfried.

HB 2151, An act concerning the registration of vehicles; relating to license plates; establishing a license plate production fee; amending K.S.A. 2008 Supp. 8-145, 8-147 and 8-1,142 and repealing the existing sections, by Committee on Transportation.

HB 2152, An act relating to motor vehicles; concerning towed vehicles; amending K.S.A. 2008 Supp. 8-1103 and repealing the existing section, by Committee on Transportation.

HB 2153, An act enacting the national school psychologist certification incentive By Committee on Education.

HB 2154, An act concerning civil procedure; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2008 Supp. 60-4104 and repealing the existing section, by Representative Worley.

HB 2155, An act concerning land banks; relating to the establishment of the city of Topeka land bank, by Committee on Local Government.

HB 2156, An act concerning the legislature; relating to legislators holding other elected offices, by Committee on Local Government.

HB 2157, An act concerning the Topeka/Shawnee county riverfront authority act; amending K.S.A. 2008 Supp. 12-5611 and repealing the existing section, by Committee on Local Government.

HB 2158, An act concerning the Kansas highway patrol; pertaining to the ability of officers and members of the highway patrol to hold public office; amending K.S.A. 2008 Supp. 74-2113 and repealing the existing section, by Committee on Local Government.

HB 2159, An act concerning mortgages; relating to certain insurance settlement payments, by Committee on Insurance.

HB 2160, An act relating to insurance; concerning the payment of certain property claims, by Committee on Insurance.

HOUSE CONCURRENT RESOLUTION No. 5007—

By Representatives O'Neal and Davis

A CONCURRENT RESOLUTION providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Supreme Court.

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 11:30 a.m. on February 10, 2009, for the purpose of hearing a message from the Supreme Court on the judicial branch of government.

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 Supreme Court Justices.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce and Labor: **HB 2141**, **HB 2142**.

Elections: **HCR 5006**.

Energy and Utilities: **HB 2126**, **HB 2127**.

Insurance: **HB 2128**.

Judiciary: **HB 2123**, **HB 2139**; **HCR 5005**.

Local Government: **HB 2124**, **HB 2125**.

Transportation: **HB 2129**, **HB 2130**, **HB 2131**, **HB 2132**, **HB 2133**, **HB 2134**, **HB 2135**, **HB 2136**, **HB 2137**, **HB 2138**.

Select Committee on KPERS: **HB 2140**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2092** from Committee on Local Government and referral to Committee on Financial Institutions.

MESSAGE FROM THE SENATE

Announcing passage of **SB 30, SB 34, SB 44, SB 45.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:
SB 30, SB 34, SB 44, SB 45.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6007—

By Committee on Commerce and Labor

A RESOLUTION proclaiming February 3, 2009, as Kansas Human Resource Day.

WHEREAS, the human resources profession plays a critical and strategic role in the overall daily operations of an employer and an employer’s workforce; and

WHEREAS, the human resources professional assists an employer in recruiting, hiring, training, evaluating and managing an employer’s workforce; and

WHEREAS, the human resources professional addresses compliance issues for an employer on federal, state and local laws; and

WHEREAS, many human resources professionals are members of the Kansas State Council of the Society for Human Resources Management (KS-SHRM) which is affiliated with the national Society for Human Resources Management (SHRM), the world’s largest professional association devoted to human resources management, and serves 12 Kansas SHRM chapters which serve over 2,000 Kansas members of the SHRM and human resources professionals; and

WHEREAS, KS-SHRM and local SHRM chapter’s missions are to serve the needs of human resources professionals by providing the most current and comprehensive resources and advancing the profession by promoting human resources’ essential, strategic role; and

WHEREAS, KS-SHRM and local SHRM chapters make available to employers and human resources professionals in Kansas up-to-date information on pending legislation that may impact a Kansas employer’s operations and the Kansas workforce; and

WHEREAS, KS-SHRM and local SHRM chapters, through their members and volunteers, have assisted over the past years in supplying knowledge and resources to state legislators, state committees and state agencies on how to address legislation related to employers or how the impact of legislation affects an employer and the workforce in Kansas; and

WHEREAS, KS-SHRM provides an annual employment law conference in February to educate and inform employers and the human resource professionals in Kansas on recent changes in laws and regulations affecting an employer and the employer’s workforce; and

WHEREAS, KS-SHRM provides an annual legislative advocacy initiative in February, “HR on the Hill”, at the state capitol to encourage human resource professionals and employers to travel to the state capitol for an education day of legislative meetings and briefings with Kansas state legislators which serves to benefit the state of Kansas: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we proclaim February 3, 2009, as Kansas Human Resource Day.

REPORT OF STANDING COMMITTEE

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

Request No. 7, by Representative Swanson, commending the Chapman City Officials for their efforts following the June 11, 2008 tornado;

Request No. 8, by Representative Bowers, congratulating Verletta Moon for the Chamber Business Person of the Year Award;

Request No. 9, by Representative Bowers, congratulating Dalton Buckland on his achievement of Eagle Scout Award;

Request No. 10, by Representative Bowers, congratulating Linda Houser on receiving the Leon Gennette Volunteer of the Year Award;

Request No. 11, by Representative Proehl, congratulating Ron Wood on his retirement as Postmaster;

Request No. 12, by Representative King, congratulating the West Elk Boys Track Team and coaches on their 2008 2A State Championship;

Request No. 13, by Representative Flaharty, congratulating Mia Kurtz on being the regional winner of the "If I were Mayor" contest, sponsored by the League of Kansas Municipalities;

Request No. 14, by Representative Jack, congratulating Mary Royse on her 100th Birthday;

Request No. 15, by Representative Jack, commending Jaden Lim for his volunteer service;

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 2161, An act concerning the state board of healing arts; relating to fees charged and collected by the board; amending K.S.A. 65-2852, 65-5409, 65-5509 and 65-7207 and K.S.A. 2008 Supp. 65-2012, 65-28a03, 65-2911, 65-6910 and 65-7308 and repealing the existing sections, by Committee on Health and Human Services.

HB 2162, An act concerning the behavioral sciences; marriage and family therapists and psychologists; amending K.S.A. 65-6404 and 74-5310 and repealing the existing sections, by Committee on Health and Human Services.

HB 2163, An act concerning duties of registered nurse anesthetists; amending K.S.A. 65-1158 and repealing the existing section, by Committee on Health and Human Services.

HB 2164, An act concerning judges and justices; relating to retirement age; amending K.S.A. 20-2608 and repealing the existing section, by Committee on Judiciary.

HB 2165, An act concerning crimes and punishment; relating to unlawfully hosting minors; amending K.S.A. 21-3610c and repealing the existing section, by Committee on Judiciary.

HB 2166, An act concerning abortion; relating to late-term and partial birth abortion; amending K.S.A. 65-6701, 65-6703, 65-6711 and 65-6721 and K.S.A. 2008 Supp. 76-3308 and repealing the existing sections, by Representative Huebert.

HB 2167, An act establishing the landowners' bill of rights; placing certain requirements on certain persons and entities entering on another's property, by Committee on Judiciary.

HB 2168, An act concerning crimes and punishment; relating to criminal use of weapons; amending K.S.A. 2008 Supp. 21-4201 and repealing the existing section, by Committee on Judiciary.

HB 2169, An act concerning land use ordinances; relating to military installations; authorizing restrictions and prohibited uses of certain property, by Committee on Veterans, Military and Homeland Security.

HB 2170, An act concerning license plates; providing for a combat veteran and legion of merit decals; amending K.S.A. 2008 Supp. 8-1,156 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2171, An act concerning the Kansas commission on veterans affairs; relating to the Vietnam war medallion program; prescribing guidelines and limitations, powers and duties, by Committee on Veterans, Military and Homeland Security.

HB 2172, An act concerning sales taxation; relating to cash rebates on sales or leases of new motor vehicles; amending K.S.A. 2008 Supp. 79-3602 and repealing the existing section, by Committee on Taxation.

HB 2173, An act concerning income taxation; relating to credits; adoption expenses; amending K.S.A. 2008 Supp. 79-32,202 and repealing the existing section, by Committee on Taxation.

HB 2174, An act concerning income taxation; relating to social security benefits; amending K.S.A. 2008 Supp. 79-32,117 and repealing the existing section; also repealing K.S.A. 2008 Supp. 79-32,117m, by Committee on Taxation.

HB 2175, An act concerning employment; relating to misclassification of employees; amending K.S.A. 2008 Supp. 79-3234 and repealing the existing section; also repealing K.S.A. 2008 Supp. 44-766, by Committee on Taxation.

HB 2176, An act concerning sales taxation; relating to exemptions; Stephanie Waterman Tennis Foundation; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

REPORTS OF STANDING COMMITTEES

Committee on **Taxation** recommends **HB 2026** be amended on page 3, in line 5, by striking all after “shall”; by striking all in line 6; in line 7, by striking “and shall”; after line 8, by inserting the following:

“(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.”;

On page 12, in line 1, by striking “and”; in line 4, after “1.5%” by inserting the following: “; and

(w) 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%”; and the bill be passed as amended.

RECOGNITION OF KANSAS DAY

In honor of Kansas Day, Rep. Ballard led the members of the House in singing “Home on the Range.”

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 **Sub. SB 23**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

Sub. SB 23.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker O’Neal announced the referral of **Sub. SB 23** to Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGE

Rep. Merrick will replace Rep. Kelley on Committee on Appropriations effective on January, 30, 2009.

On motion of Rep. Merrick, the House adjourned pro forma until 10:00 a.m., Friday, January 30, 2009.

Journal of the House

FOURTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, January 30, 2009, 10:00 a.m.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2177, An act concerning the state water plan fund; relating to increasing fees that contribute to the fund; amending K.S.A. 70a-102 and K.S.A. 2008 Supp. 2-1205, 2-2204, 82a-954 and 82a-2101 and repealing the existing sections, by Committee on Appropriations.

HB 2178, An act abolishing the Kansas turnpike authority; transferring powers, duties and functions to the Kansas department of transportation, by Committee on Appropriations.

HB 2179, An act concerning the low-income family postsecondary savings accounts incentive program; amending K.S.A. 2008 Supp. 75-650 and repealing the existing section, by Committee on Appropriations.

HB 2180, An act concerning alcoholic beverages; relating to drinking establishment license; amending K.S.A. 41-2642 and repealing the existing section, by Committee on Appropriations.

HB 2181, An act concerning school districts; relating to school finance; relating to the at-risk weighting; amending K.S.A. 2008 Supp. 72-6414 and 72-64c01 and repealing the existing sections, by Legislative Committee on Post Audit.

HB 2182, An act concerning the department of health and environment; requiring the Kansas air quality act be consistent and uniform with the federal clean air act; amending K.S.A. 19-101a, 65-3012 and K.S.A. 2008 Supp. 65-3005 and 65-3008a and repealing the existing sections, by Committee on Energy and Utilities.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **SB 30**.

Committee of the Whole: **HCR 5007**.

Corrections and Juvenile Justice: **HB 2165**.

Economic Development and Tourism: **HB 2148**.

Education: **HB 2153**.

Federal and State Affairs: **HB 2149, HB 2166**.

Health and Human Services: **HB 2161, HB 2162, HB 2163**.

Insurance: **HB 2159, HB 2160**.

Judiciary: **HB 2144, HB 2154, HB 2164, HB 2167, HB 2168; SB 34, SB 44, SB 45**.

Local Government: **HB 2155, HB 2156, HB 2157, HB 2158, HB 2169**.

Taxation: **HB 2150, HB 2172, HB 2173, HB 2174, HB 2175, HB 2176**.

Transportation: **HB 2143, HB 2145, HB 2146, HB 2147, HB 2151, HB 2152, HB 2170**.

Veterans, Military and Homeland Security: **HB 2171**.

COMMUNICATIONS FROM STATE OFFICERS

From Professor Tom Stacy, Chairman, and Ed Klumpp, Vice-Chairman, Kansas Criminal Code Recodification Commission, 2008 Interim Report to the Kansas Legislature, January 2009.

From Sandy Praeger, Commissioner, Kansas Insurance Department, in accordance with K.S.A. 44-566(a), The Kansas Workers' Compensation Fund, Fiscal Year End Report, 2008.

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

The House stood at ease until 3:00 p.m.

Speaker pro tem Siegfried called the House to order.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **Substitute for SB 23** be amended by substituting a new bill to be designated as "House Substitute for Substitute for SENATE BILL No. 23," as follows:

"HOUSE Substitute for Substitute for SENATE BILL No. 23
By Committee on Appropriations

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010 and June 30, 2011, 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. 2008 Supp. 55-193, 79-2978, 79-2979, 79-3425i, 79-34,156, 79-4801 and 82a-953a and repealing the existing sections."; and the substitute bill be passed. (**H. Sub. for Sub. SB 23** was thereupon introduced and read by title.)

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, February 2, 2009.

Journal of the House

FIFTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 2, 2009, 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. Winn was excused on verified illness.
Rep. Neufeld was excused on legislative business.
Reps. Ballard and Kelley were excused on excused absence by the Speaker.
Prayer by Chaplain Brubaker:

Lord,
Thank you for a weekend to rest
and a Super Bowl evening to take a
brief respite from work.
Our team may or may not have won.
We may or may not have listened to the Boss at halftime.
And, we may or may not think the commercials
were worth three million a pop
Today, however, we come back to the challenges
of our responsibilities before us.
Our individual opinions and preferences
may or may not win out.
Forgive us if we may not listen to each other.
And please guide us in our decisions of
whom we may or may not cut or allocate funds.
Remind us that victory is based upon
what is best for the people of Kansas.
In Christ's Name, I pray, Amen.

The Pledge of Allegiance was led by Rep. Carlin.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. King are spread upon the journal:
Elk County was formed on March 25, 1875. I mention that today because the citizens of Elk County had to wait 133 years for their first state high school sports champion. Last year, the West Elk High School boys' track and field team won the 2008 Class 2A State Championship in a fashion that would make the Pittsburgh Steelers proud. On one of the last races of the day, West Elk passed Sterling for the state title, winning by one point, 47-46.
West Elk won the 2A state title with the help of four gold medals by junior Sonny Lee and senior Taylor Lowe. Sonny Lee won the 200 meter, the 400 meter, and the high jump. Taylor Lowe joined Sonny on the victory platform with a gold medal in the long jump. Brett Koop helped in West Elk's championship with a fifth place finish in the long jump and fourth place finish in the triple jump.
Any good champion must deal with adversity. When Taylor Lowe was injured mid-meet, James Lear stepped in and helped C.J. Madison, Shane Hall and Sonny Lee earn a decisive eighth place finish in the 4x100 meter relay.

I'm joined today by the West Elk coaching duo of Pat Simmons, the 2A Boys Track Coach of the Year, and Debbie Simmons, along with team members Kyle Huntington, Charlie Hall, Shane Hall, James Lear, Tanner Weber, Taylor Lowe, Bailey Adams, Sonny Lee, Lucas Simmons, C.J. Madison and Jason Ledford.

Please join me in congratulating the first ever state sports champion from Elk County, the 2008 West Elk High School boys' track and field team.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2183, An act concerning school districts; relating to state aid for capital improvements and capital outlay; amending K.S.A. 2008 Supp. 72-8814 and 75-2319 and repealing the existing sections..

HB 2184, An act concerning school districts; enacting the abstinence plus (A+) education act, by Committee on Education.

HB 2185, An act relating to public moneys; concerning reciprocal deposit programs; amending K.S.A. 9-1407 and K.S.A. 2008 Supp. 12-1675 and 75-4237 and repealing the existing sections, by Committee on Financial Institutions.

HB 2186, An act concerning amusement rides; amending K.S.A. 2008 Supp. 44-1601 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2187, An act concerning the Kansas expanded lottery act; relating to gaming facility investment and racetrack gaming facility management; amending K.S.A. 2008 Supp. 74-8734, 74-8736, 74-8741 and 74-8747 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2188, An act amending the vehicle dealers and manufacturers licensing act; providing for a dealer-hauler full-privilege trailer license plate; amending K.S.A. 8-2406 and 8-2425 and repealing the existing sections, by Committee on Transportation.

HB 2189, An act concerning sales taxation; relating to exemptions; golden belt community concert association; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2190, An act concerning sales taxation; relating to exemptions; Steve King foundation; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2191, An act concerning income taxation; relating to credits; service by certain volunteer firefighters and EMS providers, by Committee on Taxation.

HB 2192, An act concerning sales taxation; relating to exemptions; Kansas state firefighters association; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2193, An act concerning campaign finance; removing requirement for candidates for certain state offices to file reports with county election officials; amending K.S.A. 2008 Supp. 25-4148 and repealing the existing section, by Committee on Local Government.

HB 2194, An act concerning the state use law; relating to certain purchases by school districts; amending K.S.A. 2008 Supp. 75-3319 and repealing the existing section, by Committee on Government Efficiency and Fiscal Oversight.

HB 2195, An act concerning state records; relating to maintenance and certification of electronic records; amending K.S.A. 45-406 and 75-3519 and repealing the existing sections, by Committee on Government Efficiency and Fiscal Oversight.

HB 2196, An act concerning taxation; relating to property tax exemption for renewable energy resources and technologies; amending K.S.A. 2008 Supp. 79-201 and repealing the existing section, by Committee on Energy and Utilities.

HB 2197, An act concerning state educational institutions; relating to the admission of students thereto; amending K.S.A. 76-717 and repealing the existing section, by Committee on Higher Education.

HB 2198, An act regarding health insurance; relating to cafeteria plans, health savings accounts, high deductible health insurance plans and small employers; amending K.S.A. 2008 Supp. 40-2240, 40-2261 and 75-6501 and repealing the existing sections, by Committee on Health and Human Services.

HB 2199, An act concerning school districts; establishing the early literacy protocol for Kansas schools, by Committee on Education.

HB 2200, An act concerning school districts; relating to the transportation weighting; amending K.S.A. 72-6411 and repealing the existing section, by Committee on Education.

HB 2201, An act concerning child support enforcement; relating to conditions placed on licensees; amending K.S.A. 74-147 and repealing the existing section, by Committee on Judiciary.

HB 2202, An act concerning enforcement of laws pertaining to unlawful immigration; amending K.S.A. 21-3830, 22-2802 and 25-2416 and repealing the existing sections, by Representatives Kinzer and A. Brown, Crum, Donohoe, Huebert, Kiegerl, Myers, Patton and Watkins.

HB 2203, An act concerning crimes and punishment; relating to sexually violent crimes, by Representative Kinzer.

HB 2204, An act concerning criminal procedure; relating to the issuance of warrants or summons; amending K.S.A. 22-2302 and repealing the existing section, by Committee on Judiciary.

HOUSE CONCURRENT RESOLUTION No. 5008—

By Representative Hayzlett

A CONCURRENT RESOLUTION concerning endorsement of the Unified Greeley County government.

WHEREAS, The voters of Greeley County and the City of Tribune agreed to unify the governments of the city and county in November, 2007; and

WHEREAS, The leaders of Greeley County and the City of Tribune were seeking ways to provide more efficient and effective delivery of public services; and

WHEREAS, The people of Greeley County and the City of Tribune were seeking new ways to deal with the challenges of a shrinking population, a balancing of rural and urban needs, a loss of jobs and a continuing need to provide quality public services; and

WHEREAS, A unified city and county government had been part of an ongoing discussion for over five years; and

WHEREAS, The people of Greeley County and the City of Tribune determined a unified government was a creative solution to help address new challenges: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature endorses the Unified Greeley County and congratulates the people of Greeley County and the City of Tribune for their creative approach to delivery of county and city services; and

Be it further resolved: That the Secretary of State is directed to send enrolled copies of this resolution to each of the five members of the new Unified Greeley County governing body.

HOUSE CONCURRENT RESOLUTION No. 5009—

By Committee on Veterans, Military and Homeland Security

A CONCURRENT RESOLUTION regarding the Kansas Legislature's opposition to the relocation of the Guantanamo Bay detainees to Ft. Leavenworth, Kansas or elsewhere within Kansas and urging the President of the United States and other members of the federal executive branch, to not consider Ft. Leavenworth or elsewhere in Kansas as a potential site for the relocation of the Guantanamo Bay detainees.

WHEREAS, Leavenworth County and the cities of Leavenworth and Lansing, Kansas and the State of Kansas strongly oppose the relocation of the Guantanamo detainees to Fort Leavenworth, Kansas; and

WHEREAS, The Military Disciplinary Barracks at Fort Leavenworth, unlike Guantanamo Bay, is not isolated from the surrounding civilian population, and would pose numerous safety, security, and economic hardships on all of Leavenworth County, and would negatively impact the municipal services, the local economy, and the security of the cities of Leavenworth and Lansing and the state of Kansas; and

WHEREAS, Increased security of Fort Leavenworth would close Fort facilities that are now available for some use by the civilian community, including Sherman Airfield which is the only public use airport in Leavenworth County and the Munson clinic and other facilities that are used by veterans, military retirees and the public; and

WHEREAS, Security concerns also include the fact that railroad right-of-way that trains use crosses through the Fort property; the Fort is small and houses over 3,000 residents; there are no emergency medical services or surgical services at the Fort and the only clinic is utilized by active duty soldiers, retirees and their families for medical care; the two small hospitals in town and the veterans facilities are not equipped to handle the security associated with serving Guantanamo Bay detainees; and

WHEREAS, Security concerns would not only be felt locally, but also throughout the Kansas metropolitan areas and the state of Kansas by becoming a high profile target for terrorism as a result of such relocation; and

WHEREAS, The Leavenworth County Sheriff's Office, as well as the Leavenworth and Lansing Police Departments are not fully capable of handling an international terrorist incident and the inevitable non-violent protests that would occur outside the Fort's gates since protests are not allowed on military institutions; and

WHEREAS, The Leavenworth Community has, from its inception, embraced Fort Leavenworth and neither the community nor the post could exist without each entity's support and the local economy is dependent on the families who are stationed at the Fort to further their academic enrichment; and

WHEREAS, Fort Leavenworth has always served a dual-mission, because the Command and General Staff College and the Military Barracks are both located on post; it is critical to keep education as the primary focus of this installation and if Guantanamo Bay detainees are relocated to Fort Leavenworth the growth of the installation would cease and future expansion of military educational services would not occur; and

WHEREAS, 2009 marked the 100th year anniversary of the International Military Student program at Fort Leavenworth; the program can trace its inception back to 1894 and graduated its first international student in 1908; over the past century, 25 graduates have become Heads of State, 300 have become head of their nation's military and over 2,000 have become Generals; as a result there are military and political leaders around the world who were schooled at Fort Leavenworth, lived in the city adjacent to the Fort and made lifelong American friends; it is crucial, especially in the present state of international relations, that the international officers program at Fort Leavenworth remain strong and vital and if Guantanamo Bay detainees are relocated to Fort Leavenworth, many countries will not send military students and their families to America, impairing a significant contribution to international peace and understanding; and

WHEREAS, The Military Disciplinary Barracks at Fort Leavenworth is a conventional prison with only a handful of segregation units and most prisoners in large pods containing cells opening into a common area and it would be highly inappropriate to house foreign detainees with United States military prisoners; and

WHEREAS, The state, counties and cities have the responsibility for the safety of our citizens, local schools, businesses, and mutual aid for surrounding communities related to the detainee prison facility being located in Kansas and opposed the likely changes and relocation of the Command and General Staff College; the restricted access the relocation could cause for railroad traffic, and the increased negative publicity for the community from potential sympathizers of the detainees: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas legislature strongly opposes the relocation of the Guantanamo Bay detainees to Fort Leavenworth, Kansas or elsewhere within Kansas and that the Legislature underscores its commitment to provide any and all support necessary to ensure the Guantanamo Bay detainees are not moved to Kansas.

Be it further resolved: That the Secretary of State provide enrolled copies of this resolution to President Obama, Vice President Biden, the Kansas congressional delegation, and Governor Kathleen Sebelius.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Education: **HB 2181**.

Energy and Utilities: **HB 2177, HB 2182**.

Federal and State Affairs: **HB 2180**.

Transportation: **HB 2178**.

Education Budget: **HB 2179**.

COMMUNICATIONS FROM STATE OFFICERS

From Thomas E. Wright, Chairman, Kansas Corporation Commission, in accordance with K.S.A. 66-117b, Annual Report to the 2009 Kansas Legislature, which can also be viewed at http://ks.gov/09_legis_rpt.pdf.

From Kansas Health Policy Authority, 2008 KHPA Publications, published January 2009.

From Camie K. Russell, Director, Abuse, Neglect & Exploitation Unit, Office of Kansas Attorney General, pursuant to K.S.A. 75-723, 2007-2008 Annual Report to the Legislature.

From Judge Frank J. Yeoman, Jr., Board of Directors, Kansas Guardianship Program, 2008 Annual Report, July 1, 2007-June 30, 2008.

From Carol Foreman, Deputy Secretary, Kansas Department of Administration, *Leading the Way*, Annual Report for the 2008 Calendar Year, January 2009.

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 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 committee report to **SCR 1601** be adopted; and the resolution be adopted 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 2205, An act concerning public postsecondary education; concerning residents for purposes of tuition and other fees; amending K.S.A. 2008 Supp. 76-729 and repealing the existing section; also repealing K.S.A. 2008 Supp. 76-731a, by Representatives Kinzer and A. Brown, Donohoe, Huebert, Kiegerl, Mast, Myers, Otto, Patton and Peck.

HB 2206, An act concerning abortion; regarding restrictions on late term and partial birth abortions; amending K.S.A. 65-445, 65-6701, 65-6703, 65-6709 and 65-6721 and K.S.A. 2008 Supp. 65-2836 and repealing the existing sections; also repealing K.S.A. 65-6713, by Representatives Kinzer and A. Brown, Brunk, Donohoe, Faber, Goico, Huebert, Kiegerl, Knox, Lukert, Mast, McLeland, Meier, Myers, O'Brien, Olson, Otto, Patton, Pauls, Peck, Powell, Watkins and Williams.

HB 2207, An act concerning criminal procedure; relating to release prior to trial; costs; amending K.S.A. 22-2802 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2208, An act concerning children in need of care; relating to the department of social and rehabilitation services; duties; amending K.S.A. 2008 Supp. 38-2230 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2209, An act concerning court-ordered evaluations; relating to limitations on charges to counties and the state, by Social Services Budget Committee.

HB 2210, An act concerning the Kansas code for care of children; relating to jurisdiction; amending K.S.A. 2008 Supp. 38-2203 and repealing the existing section, by Committee on Appropriations.

HB 2211. An act concerning the Kansas code for care of children; relating to placement of children into custody; amending K.S.A. 2008 Supp. 38-2232, 38-2242, 38-2243 and 38-2255 and repealing the existing sections, by Committee on Appropriations.

HB 2212. An act relating to vehicles; concerning the registration of trailers; amending K.S.A. 2008 Supp. 8-128 and 8-143 and repealing the existing sections, by Committee on Appropriations.

HB 2213. An act concerning the veterinary training program for rural Kansans; relating to certain loans and agreements; amending K.S.A. 2008 Supp. 76-4,112 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2214. An act relating to insurance; concerning risk-based capital requirements; amending K.S.A. 2008 Supp. 40-2c01 and repealing the existing section; also repealing K.S.A. 2008 Supp. 40-2c01a, by Committee on Insurance.

REPORTS OF STANDING COMMITTEES

Committee on **Rules and Journal** recommends **HR 6004** be amended by substituting a new resolution to be designated as "Substitute for HOUSE RESOLUTION No. 6004," as follows:

Substitute for HOUSE RESOLUTION No. 6004

By Committee on Rules and Journal

A RESOLUTION adopting permanent rules of the House of Representatives for the 2009-2010 biennium.

Be it resolved by the House of Representatives of the State of Kansas: The following rules shall be the permanent rules of the House of Representatives for the 2009-2010 biennium

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 Kansas, 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:

1. Aging and Long-term Care	13
2. Agriculture and Natural Resources	19
3. Appropriations	23
4. Calendar and Printing	7
5. Commerce and Labor	19
6. Corrections and Juvenile Justice	11
7. Economic Development and Tourism	13
8. Education	19
9. Elections	11
10. Energy and Utilities	21
11. Federal and State Affairs	21
12. Financial Institutions	13
13. Government Efficiency and Fiscal Oversight	15

14. Health and Human Services 19
 15. Higher Education 11
 16. Insurance 13
 17. Interstate Cooperation 7
 18. Judiciary 19
 19. Local Government 11
 20. Rules and Journal 5
 21. Taxation 23
 22. Transportation 19
 23. Veterans, Military and Homeland Security 15
 24. 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 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.

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 9
 2. Education budget committee 8
 3. General government budget committee 9
 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 Ma-

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 consideration, 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.
- (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 $\frac{2}{3}$ 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 $\frac{2}{3}$ 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 $\frac{2}{3}$ 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 $\frac{2}{3}$ 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 appli-

cation 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 48 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 com-

pulsory 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 $\frac{2}{3}$ majority vote of those members elected (or appointed) and qualified of the House of Representatives.

(Sub. HR 6004 was thereupon introduced and read by title.)

COMMITTEE ASSIGNMENT CHANGES

Rep. D. Gatewood will replace Rep. Ward on Committee on Appropriations. Also, Rep. Kelley will replace Rep. Merrick on Committee on Appropriations.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, February 3, 2009.

Journal of the House

SIXTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 3, 2009, 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. Neufeld was excused on legislative business.
Reps. Kelley and Mast were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Kent Winters-Hazelton, pastor, First Presbyterian Church, Lawrence, and guest of Rep. Sloan:

Eternal and Temporal God;

Unity of our spirit, Guide and Comforter in life:

We ask your guidance for the women and men who make up these offices. Grant them wisdom and courage to see and to do what is right and what is just. Grant them strength and resolve to carry out their responsibilities to serve all the people of this state. Grant them patience with the process and with one another so that they may find a common mind together serving the greater good. Grant them a humble spirit that they may act beyond self-interest, and grant them joy in their service on behalf of the people.

Comfort the family of Peggy Mast in light of the death of her father. 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 2215, An act concerning governmental ethics; prohibiting the use of public funds for lobbying, by Committee on Elections.

HB 2216, An act concerning contracts with state agencies; amending K.S.A. 75-37,104 and K.S.A. 2008 Supp. 75-3739, 75-3740 and 75-37,132 and repealing the existing sections, by Committee on Elections.

HB 2217, An act concerning certain telephone calls; pertaining to telephone calls for political purposes; amending K.S.A. 50-670 and repealing the existing section, by Representative Swenson.

HB 2218, An act enacting the healthy workplace act; relating to abusive work environments; prohibiting certain acts and providing certain remedies for violations, by Representatives Swenson, Burroughs, Crow, Davis, Flaharty, Garcia and Mah.

HB 2219, An act concerning the Kansas performance measurement commission; amending K.S.A. 2008 Supp. 74-72,121 and repealing the existing section, by Committee on Government Efficiency and Fiscal Oversight.

HB 2220, An act concerning child care; relating to certain licensed and registered facilities; amending K.S.A. 65-504, 65-505, 65-521, 65-522, 65-523 and 65-524 and K.S.A. 2008 Supp. 65-526 and repealing the existing sections, by Committee on Health and Human Services.

HB 2221, An act concerning child care; disclosure of certain information; amending K.S.A. 2008 Supp. 65-525 and repealing the existing section, by Committee on Health and Human Services.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2213**.

Committee of the Whole: **HCR 5008**.

Corrections and Juvenile Justice: **HB 2203, HB 2207**.

Economic Development and Tourism: **HB 2187**.

Education: **HB 2184, HB 2199, HB 2200**.

Elections: **HB 2193**.

Federal and State Affairs: **HB 2186, HB 2202, HB 2205, HB 2206**.

Financial Institutions: **HB 2185**.

Government Efficiency and Fiscal Oversight: **HB 2194, HB 2195**.

Health and Human Services: **HB 2198**.

Higher Education: **HB 2197**.

Insurance: **HB 2214**.

Judiciary: **HB 2201, HB 2204, HB 2208, HB 2210, HB 2211**.

Taxation: **HB 2189, HB 2190, HB 2191, HB 2192, HB 2196**.

Transportation: **HB 2188, HB 2212**.

Veterans, Military and Homeland Security: **HCR 5009**.

Education Budget: **HB 2183**.

Social Services Budget: **HB 2209**.

COMMUNICATIONS FROM STATE OFFICERS

From the Kansas Advisory Council on Intergovernmental Relations, in accordance with K.S.A. 12-4001-4008, 2008 Annual Report.

From David D. Kerr, Secretary of Commerce, in accordance with K.S.A. 12-17,169(c), Star Bond Annual Report for 2008.

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 **SCR 1606**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate concurrent resolution was thereupon introduced and read by title:
SCR 1606.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Brunk, **HR 6007**, A resolution proclaiming February 3, 2009, as Kansas Human Resource Day, was adopted.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SCR 1601, A concurrent resolution adopting joint rules for the Senate and House of Representatives for the 2009-2010 biennium, 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, 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, Huntington, Jack, Johnson, Kerschen, 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, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery,

Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Kiegerl, Otto.

Present but not voting: None.

Absent or not voting: Kelley, Mast, Neufeld.

The resolution was adopted, as amended.

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 **HB 2052** be passed.

HCR 5008 be adopted.

Committee report to **HB 2026** be adopted; also, be amended on page 12, in line 16, by striking “(w)” and inserting “(x)”;

On page 1, in the title, in line 11, by striking “county” and inserting “and Rawlins counties”; and **HB 2026** 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 2222, An act concerning state agencies; relating to the collection of licenses, fees, charges, taxes and exactions, by Committee on Government Efficiency and Fiscal Oversight.

HB 2223, An act concerning child care; family day care homes; amending K.S.A. 65-504, 65-506, 65-523, 65-524, 65-529, 65-530 and 65-531 and K.S.A. 2008 Supp. 65-503, 65-516, 65-525 and 65-526 and repealing the existing sections; also repealing K.S.A. 65-517, 65-518, 65-519, 65-520, 65-521 and 65-522, by Committee on Health and Human Services.

HB 2224, An act concerning the state corporation commission; relating to compressed air energy storage, by Committee on Energy and Utilities.

HB 2225, An act concerning utilities; relating to electric power purchase, by Committee on Energy and Utilities.

HB 2226, An act concerning criminal procedure; relating to grand juries; amending K.S.A. 22-3001 and repealing the existing section, by Representative Kinzer.

HB 2227, An act concerning school districts; creating the autism scholarship program; relating to the administration thereof; amending K.S.A. 2008 Supp. 72-6407 and repealing the existing section, by Representatives Kinzer and Kiegerl.

HB 2228, An act concerning private postsecondary institutions of higher education; relating to eligibility under the Kansas comprehensive grant program; amending K.S.A. 2008 Supp. 74-32,120 and repealing the existing section, by Representative Horst.

HB 2229, An act concerning visitation in medical care facilities and adult care homes, by Representative Flaharty.

HB 2230, An act establishing the advisory council on pain and symptom management, by Representative Benlon.

HB 2231, An act relating to insurance; concerning mental health parity; amending K.S.A. 2008 Supp. 40-2,105, 40-2,105a and 40-2258 and repealing the existing sections, by Committee on Health and Human Services.

HB 2232, An act concerning corrections advisory boards; relating to membership; amending K.S.A. 2008 Supp. 75-5297 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2233, An act concerning criminal procedure; relating to appeals; release or discharge of defendant; amending K.S.A. 22-3604 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2234, An act concerning sexual abuse; amending K.S.A. 21-3503, 21-3504, 21-3508, 21-3512, 21-3516, 21-3517, 21-3518 and 60-3102 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2235, An act concerning motor vehicles; relating to fleeing or eluding a police officer; amending K.S.A. 8-1568 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2236, An act relating to crimes, criminal procedure and punishments; concerning drug crimes; recodification of certain statutes; amending K.S.A. 12-4419, 12-4509, 21-2501, 21-3436, 21-3608a, 21-3718, 21-3826, 21-4203, 21-4204, 21-4226, 21-4502, 21-4603d, 21-4708, 21-4713, 21-4717, 21-4729, 22-2512, 22-2515, 22-2909, 22-3901, 36-601, 36-604, 60-427, 65-4102, 65-4127c, 65-4139 and 79-5201 and K.S.A. 2008 Supp. 8-2,128, 8-1567, 12-4104, 21-4704, 21-4705, 21-4714, 22-4902, 38-2255, 44-706, 59-2132, 59-29b46, 60-4104, 65-516, 72-1397, 72-5445, 72-89c01, 75-7c04, 75-52,144 and 76-11a13 and repealing the existing sections; also repealing K.S.A. 21-4214, 21-4215, 65-4105a, 65-4127d, 65-4141, 65-4142, 65-4155, 65-4158, 65-4164 and 65-4165 and K.S.A. 2008 Supp. 65-4150, 65-4151, 65-4152, 65-4153, 65-4159, 65-4159a, 65-4160, 65-4161, 65-4162, 65-4163, 65-4166, 65-4168 and 65-4168a, by Committee on Corrections and Juvenile Justice.

HB 2237, An act concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 72-6413 and repealing the existing section, by Committee on Education.

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, by Committee on Commerce and Labor.

HB 2239, An act concerning school districts; enacting the Kansas uniform financial accounting and reporting act; amending K.S.A. 2008 Supp. 72-8254 and repealing the existing section, by Committee on Appropriations.

HB 2240, An act concerning utilities; relating to the Kansas underground utility damage prevention act; amending K.S.A. 66-1802, 66-1804, 66-1805 and 66-1806 and repealing the existing sections; also repealing K.S.A. 66-1802, as amended by Section 5 of Chapter 122 of the 2008 Session Laws of Kansas, K.S.A. 66-1804, as amended by Section 6 of Chapter 122 of the 2008 Session Laws of Kansas, K.S.A. 66-1805, as amended by Section 7 of Chapter 122 of the 2008 Session Laws of Kansas and K.S.A. 66-1806, as amended by Section 8 of Chapter 122 of the 2008 Session Laws of Kansas, by Committee on Appropriations.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Wednesday, February 4, 2009.

Journal of the House

SEVENTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 4, 2009, 10:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 124 members present.
Rep. Mast was excused on excused absence by the Speaker.
Rep. Slattery was excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord, today we pray from The Scriptures:
"Show *us* Your ways, O Lord, teach *us* Your paths;
guide *us* in Your truth and teach *us*,
for You are God *our* Savior,
and *our* hope is in You all day long."

(Ps. 25:4-5)

For "... the wisdom that comes from heaven
is first of all pure;
then peace-loving, considerate, submissive,
full of mercy and good fruit,
impartial and sincere.
Peacemakers who sow in peace
raise a harvest of righteousness."

(James 3:17-18)

In Jesus' Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Swenson.

INTRODUCTION OF GUESTS

Rep. Hill introduced the following who are with KanBikeWalk: Gina Poertner, President of Emporia; Mark Rainey, board member of Kansas City; Diane Novak, board member of Manhattan; Ron Johnson, member of Kansas City; and Randy Rasa, board member of Kansas City.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2241, 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, by Committee on Agriculture and Natural Resources.

HB 2242, An act concerning the state long-term care ombudsman; relating to the authority of the state long-term care ombudsman; amending K.S.A. 2008 Supp. 75-7306 and repealing the existing section, by Representative Sloan.

HB 2243, An act concerning the state board of cosmetology; amending K.S.A. 65-1904 and repealing the existing section, by Committee on Health and Human Services.

HB 2244, An act concerning campaign finance; pertaining to unitemized contributions, by Committee on Elections.

HB 2245. An act amending the fair credit reporting act; relating to placing a security freeze on consumer reports; amending K.S.A. 2008 Supp. 50-702 and 50-723 and repealing the existing sections, by Representatives Rardin and Worley, 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 and K. Wolf.

HB 2246. An act concerning cities; relating to nuisance abatement and powers of certain neighborhood associations, by Committee on Taxation.

HB 2247. An act concerning cities; relating to rehabilitation of abandoned houses; amending K.S.A. 2008 Supp. 12-1750, 12-1756a and 12-1756g and repealing the existing sections, by Committee on Taxation.

HB 2248. An act concerning sales taxation; relating to exemptions; certain organizations providing services for seniors; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Representatives Trimmer and Wetta.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce and Labor: **HB 2218, HB 2238.**

Committee of the Whole: **SCR 1606.**

Corrections and Juvenile Justice: **HB 2232, HB 2233, HB 2234, HB 2236.**

Education: **HB 2227, HB 2237.**

Elections: **HB 2215, HB 2216.**

Energy and Utilities: **HB 2224, HB 2225, HB 2240.**

Government Efficiency and Fiscal Oversight: **HB 2219, HB 2222.**

Health and Human Services: **HB 2220, HB 2221, HB 2223, HB 2229, HB 2230.**

Higher Education: **HB 2228.**

Insurance: **HB 2231.**

Judiciary: **HB 2217, HB 2226, HB 2235.**

Education Budget: **HB 2239.**

COMMUNICATIONS FROM STATE OFFICERS

From Thomas E. Wright, Chairman, Kansas Corporation Commission, as required by K.S.A. 2008 Supp. 66-2005 as amended by SB 350 and HB 2637 which were enacted by the 2006 and 2008 Legislatures, respectively, Report on Price Deregulation.

From Don Jordan, Secretary, SRS, and Kathy Greenlee, Secretary, KDOA, Kansas Long Term Care Annual Report, January 2009.

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

MESSAGE FROM THE SENATE

Announcing passage of **SB 3, SB 5, SB 11, SB 29, SB 35, SB 40, SB 41, SB 43, SB 50, SB 51, SB 77.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 3, SB 5, SB 11, SB 29, SB 35, SB 40, SB 41, SB 43, SB 50, SB 51, SB 77.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2026. An act concerning sales taxation; relating to countywide retailers' sales tax in Lyon and Rawlins counties; amending K.S.A. 2008 Supp. 12-187 and 12-189 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

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

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Faber, Feuer-

born, 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, Huntington, Jack, Johnson, Kelley, 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, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, DeGraaf, Kinzer, Patton, Peck.

Present but not voting: None.

Absent or not voting: Mast.

The bill passed, as amended.

HB 2052, An act relating to insurance; concerning the life and health insurance guaranty association; amending K.S.A. 2008 Supp. 40-3008 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, 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, Huntington, 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, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Mast.

The bill passed.

HCR 5008, A concurrent resolution concerning endorsement of the Unified Greeley County government, by Representative Hayzlett., 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, 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, Huntington, 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, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Mast.

The resolution was adopted.

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 **SCR 1606** be adopted.

The Committee of the Whole stood at ease until the sound of the gavel.

Rep. Landwehr called the Committee of the Whole to order.

INTRODUCTION OF ORIGINAL MOTIONS

Pursuant to House Rule 2311, Rep. Merrick moved that House Rule 3905 be suspended for the purpose of considering **H. Sub. for Sub. SB 23**. The motion prevailed.

Also, pursuant to House Rule 2311, Rep. Merrick moved that House Rule 1704 be suspended to allow Reps. Yoder, Watkins and Feuerborn to speak more than twice on the bill. The motion prevailed.

Committee report recommending a substitute bill to **H. Sub. for Sub. SB 23** be adopted; also, roll call was demanded on motion of Rep. Yoder to amend on page 31, in line 3, by subtracting \$13,920,354 from the dollar amount and by adjusting the dollar amount in line 3 accordingly; in line 9, by subtracting \$2,060,237 from the dollar amount and by adjusting the dollar amount in line 9 accordingly;

On roll call, the vote was: Yeas 75; Nays 47; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Benlon, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, McLeland, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Slattery, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Mast, Neufeld.

The motion of Rep. Yoder prevailed.

Also, on motion of Rep. Gordon, **H. Sub. for Sub. SB 23** be amended on page 18, in line 12, by subtracting \$90,456 from the dollar amount and by adjusting the dollar amount in line 12 accordingly;

The Committee of the Whole stood at ease until the sound of the gavel.

Rep. Landwehr called the Committee of the Whole to order.

Also, roll call was demanded on motion of Rep. Feuerborn to amend **H. Sub. for Sub. SB 23** on page 21, by striking all in lines 15 through 43;

On page 22, by striking all in lines 1 through 6; in line 31, by adding \$9,797 to the dollar amount and by adjusting the dollar amount in line 31 accordingly; in line 37, by adding \$3,020 to the dollar amount and by adjusting the dollar amount in line 37 accordingly; in line 42, by adding \$11,450 to the dollar amount and by adjusting the dollar amount in line 42 accordingly;

On page 23, in line 4, by adding \$15,029 to the dollar amount and by adjusting the dollar amount in line 4 accordingly;

On page 26, in line 35, by subtracting \$20,200 from the dollar amount and by adjusting the dollar amount in line 35 accordingly;

On page 27, by striking all in lines 13 through 22;

And by relettering the remaining subsection accordingly;

On page 28, in line 6, by subtracting \$126,732 from the dollar amount and by adjusting the dollar amount in line 6 accordingly;

On page 29, by striking all in lines 32 through 43;

On page 30, by striking all in lines 1 through 33; by striking all in line 43;

On page 31, by striking all in lines 1 through 4 and inserting the following:

“(a) On the effective date of this act, of the \$2,187,377,000 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 30(a) of chapter 197 of the 2006 Session Laws of Kansas from the state general fund in the general state aid account, the sum of \$6,498,327 is hereby lapsed.”;

On page 32, in line 4, by subtracting \$4,040 from the dollar amount and by adjusting the dollar amount in line 4 accordingly;

On page 32, by striking all in lines 5 through 19;

On page 36, in line 16, by striking “\$480” and inserting “\$880”; by striking all in lines 40 through 43;

On page 37, by striking all in line 1; in line 10, by subtracting \$1,209,846 from the dollar amount and by adjusting the dollar amount in line 10 accordingly;

On page 42, by striking all in lines 2 through 11;

On page 46, in line 26, by striking “\$1,731” and inserting “\$3,173”; in line 31, by striking “\$720” and inserting “\$1,320”; in line 36, by striking “\$7,000” and inserting “\$12,834”;

On page 47, in line 25, by striking “\$46,758” and inserting “\$85,723”; in line 30, by striking “\$47,013” and inserting “\$86,190”; in line 35, by striking “\$14,077” and inserting “\$25,809”; in line 39, by striking “\$11,982” and inserting “\$21,966”;

On page 48, in line 2, by striking “\$5,448” and inserting “\$9,988”; in line 7, by striking “\$3,639” and inserting “\$6,672”; in line 12, by striking “\$13,748” and inserting “\$24,710”; in line 17, by striking “\$73,685” and inserting “\$135,089”; in line 22, by striking “\$18,446” and inserting “\$33,817”; in line 34, by striking “\$10,802” and inserting “\$19,804”; in line 39, by striking “\$3,000” and “\$5,500”;

On page 49, in line 1, by striking “\$3,617” and inserting “\$6,631”; in line 6, by striking “\$9,494” and inserting “\$17,405”; in line 11, by striking “\$1,458” and inserting “\$2,673”; in line 16, by striking “\$20,400” and inserting “\$37,400”; in line 21, by striking “\$2,880” and inserting “\$5,280”; in line 25, by striking “\$1,200” and inserting “\$2,200”; in line 31, by striking “\$11,520” and inserting “\$21,120”;

On page 50, in line 4, by striking “\$480” and inserting “\$880”; in line 39, by striking “\$2,880,000” and inserting “\$2,760,000”;

On page 52, by striking all in lines 37 through 43;

On page 53, in line 14 and 19 by striking “\$40,910,154”, where it appears both times, and inserting “\$35,000,000” accordingly;

On page 57, in lines 26, 28, 30, 32 and 33 by striking “96.0%” and inserting “90.0%” in lines 26, 28, 30, 32 and 33 accordingly;

On page 61, in lines 13, 14, 18 and 19 by striking “96.0%” and inserting “90.0%” in lines 13, 14, 18 and 19 accordingly; in line 41, by striking “\$4,830,558.72” and inserting “\$4,629,285.44”;

On page 63, in line 28 and 30 by striking “\$5,760,000”, where it appears both times, and inserting “\$5,520,000” accordingly;

On page 64, by striking “and”; in line 28, preceding the period by inserting “, (5) any item of appropriation or reappropriation for the department of corrections, and (6) any item of appropriation or reappropriation for the department of labor, Kansas commission on veterans affairs, department of health and environment — division of health, department of health and environment — division of environment, department on aging, Kansas health policy authority, department of social and rehabilitation services, and Kansas guardianship program”;

And by relettering the remaining subsections accordingly;

On roll call, the vote was: Yeas 49; Nays 74; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, T. Brown, Burroughs, Carlin, Crow, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Slattery, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Huebert, Huntington, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Horst, Mast.

The motion of Rep. Feuerborn did not prevail.

Also, on motion of Rep. Sawyer to amend **H. Sub. for Sub. SB 23**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. McCray-Miller to amend **H. Sub. for Sub. SB 23** on page 21, by striking all in lines 15 through 43;

On page 22, by striking all in lines 1 through 6;

On page 26, in line 35, by subtracting \$20,200 from the dollar amount and by adjusting the dollar amount in line 35 accordingly;

On page 27, by striking all in lines 13 through 22;

And by relettering the remaining subsection accordingly;

On page 28, in line 6, by subtracting \$126,732 from the dollar amount and by adjusting the dollar amount in line 6 accordingly;

On page 29, by striking all in lines 32 through 43;

On page 30, by striking all in lines 1 through 33;

On page 32, in line 4, by subtracting \$4,040 from the dollar amount and by adjusting the dollar amount in line 4 accordingly;

On page 32, by striking all in lines 5 through 19;

On page 36, by striking all in lines 40 through 43;

On page 37, by striking all in line 1;

And by relettering the remaining subsections accordingly;

On page 42, by striking all in lines 2 through 11;

On page 52, by striking all in lines 37 through 43;

And by relettering the remaining subsections accordingly;

On roll call, the vote was: Yeas 55; Nays 68; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, Brookens, T. Brown, Burroughs, Carlin, Craft, 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, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Rardin, Ruiz, Sawyer, Schwartz, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Carlson, Colloton, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Mast, Slattery.

The motion of Rep. McCray-Miller did not prevail and **H. Sub. for Sub. SB 23** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2068** 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 2249, An act concerning the Kansas whistleblower act; regarding protection for whistleblowers; amending K.S.A. 25-4161 and 46-256 and K.S.A. 2008 Supp. 75-2929d, 75-2973 and 75-7427 and repealing the existing sections, by Committee on Government Efficiency and Fiscal Oversight.

HB 2250, An act concerning the rules of evidence; relating to admissibility of prior acts or offenses of sexual misconduct; amending K.S.A. 60-455 and repealing the existing section, by Committee on Judiciary.

HB 2251, An act creating the energy technology research initiative; amending K.S.A. 2008 Supp. 79-4227 and repealing the existing section, by Committee on Energy and Utilities.

HB 2252, An act concerning postsecondary technical education; relating to funding therefor; repealing K.S.A. 71-1706, 72-4431 and 72-4432, by Representatives M. Holmes, George and Kelley.

HB 2253, An act concerning homeowners' associations and associations of apartment owners; relating to certain duties, required procedures, attorney fees, dispute resolution and duties of the attorney general, by Committee on Local Government.

HB 2254, An act concerning wildlife and parks; relating to lifetime licenses; amending K.S.A. 2008 Supp. 32-980 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2255, An act relating to motor vehicles; providing for an I'm pet friendly license plate; amending K.S.A. 2008 Supp. 8-1,141 and repealing the existing section, by Representative Meier.

HB 2256, An act concerning elections; pertaining to preregistration of certain persons; amending K.S.A. 25-2352 and K.S.A. 2008 Supp. 25-2309 and 25-2320 and repealing the existing sections, by Representative Talia.

HB 2257, An act concerning labor and employment; relating to compensatory time off; family time flexibility agreements, by Representative Talia.

HB 2258, An act relating to the vehicle dealers and manufacturers licensing act; providing for the licensing and regulation of certain dealers; amending K.S.A. 8-135c, 8-1,137, 8-2408, 8-2434 and 8-2436 and K.S.A. 2008 Supp. 8-2401 and 8-2404 and repealing the existing sections, by Committee on Transportation.

HB 2259, An act concerning health care; duties of the Kansas health policy authority, by Committee on Health and Human Services.

HB 2260, An act concerning the Kansas home inspectors professional competence and financial responsibility act; amending K.S.A. 2008 Supp. 58-4502, 58-4503, 58-4504, 58-4505, 58-4506, 58-4509, 58-4510, 58-4511 and 58-4512 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 58-4513, by Committee on Commerce and Labor.

HB 2261, An act concerning income taxation; relating to deductions; withdrawals from retirement accounts; amounts used as collateral; prescribing certain duties of secretary of commerce; amending K.S.A. 2008 Supp. 79-32,117 and repealing the existing section; also repealing K.S.A. 2008 Supp. 79-32,117m, by Representative Talia.

HB 2262 — An act concerning health care; relating to insurance and health reimbursement arrangements; amending K.S.A. 2008 Supp. 40-2209, 40-3209 and 75-7432 and repealing the existing sections. By Committee on Health and Human Services.

HB 2263. An act concerning crimes and punishment; establishing aggravated driving under the influence; relating to existing driving under the influence law; amending K.S.A. 8-1005, 8-1008, 8-1009, 8-1017, 8-1019 and 8-1567a and K.S.A. 2008 Supp. 8-1001, 8-1012, 8-1013, 8-1014, 8-1022, 8-1567 and 21-4704 and repealing the existing sections; also repealing K.S.A. 21-3442, by Representatives Kinzer and Jack.

HB 2264. An act concerning civil procedure; relating to wrongful death; amending K.S.A. 60-1903 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2265. An act concerning the legislative post audit act; relating to periodic audits of the state treasurer and the pooled money investment board; transition audits; amending K.S.A. 2008 Supp. 46-1106 and repealing the existing section, by Legislative Post Audit Committee.

HB 2266. An act concerning service members; relating to civil relief; enacting the Kansas military service relief act, by Committee on Taxation.

HB 2267. An act concerning the Kansas commission on veterans affairs; relating to the membership thereof; amending K.S.A. 73-1208a and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2268. An act concerning cigarette lighters; prohibiting the sale of novelty cigarette lighters, by Committee on Federal and State Affairs.

HB 2269. An act concerning property taxation; relating to exemptions; certain housing for the elderly, persons with disabilities or persons with low income; amending K.S.A. 2008 Supp. 79-201z and repealing the existing section, by Committee on Taxation.

HB 2270. An act concerning income taxation; relating to apportionment of business income; amending K.S.A. 2008 Supp. 79-3279 and repealing the existing section, by Committee on Taxation.

HB 2271. An act concerning the department of health and environment; relating to rules and regulations for underground hydrocarbon storage wells; amending K.S.A. 55-1,117 and repealing the existing section, by Committee on Energy and Utilities.

HB 2272. An act concerning intensive groundwater use control areas; amending K.S.A. 82a-1036 and repealing the existing section, by Committee on Appropriations.

HB 2273. An act concerning state agencies; providing for the development and implementation of a zero-based budget process, by Committee on Government Efficiency and Fiscal Oversight.

HB 2274. An act relating to insurance; concerning individual health insurance, by Committee on Insurance.

HB 2275. An act establishing a program of random drug screening for public assistance applicants and recipients; amending K.S.A. 2008 Supp. 39-709 and 60-4117 and repealing the existing sections, by Representative Kelley.

HOUSE CONCURRENT RESOLUTION No. 5010—

By Committee on Elections

A PROPOSITION to amend section 11 of article 1 of the constitution of the state of Kansas, relating to filling vacancies in executive offices.

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 11 of article 1 of the constitution of the state of Kansas is hereby amended to read as follows:

“§ 11. Vacancies in executive offices. When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the disability of the governor, the lieutenant governor shall assume the powers and duties of governor until the disability is removed. The legislature shall provide by law for the succession to the office of governor should the offices of governor and lieutenant governor be vacant, and for the assumption of the powers and duties of governor during the disability of the governor, should the office of lieutenant governor be vacant or the lieutenant governor be disabled. When the office of secretary of state or attorney

general is vacant, the governor shall fill the vacancy by appointment for the remainder of the term. If the secretary of state or attorney general is disabled, the governor shall name a person to assume the powers and duties of the office until the disability is removed. The procedure for determining disability and the removal thereof shall be provided by law. (a) When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the disability of the governor, the lieutenant governor shall assume the powers and duties of governor until the disability is removed. The procedure for determining disability and the removal thereof shall be provided by act of the legislature.

(b) In the event of the disability of the secretary of state or attorney general, the governor shall name a person to assume the powers and duties of the office until the disability is removed. The procedure for determining disability and the removal thereof shall be provided by act of the legislature.

(c) (1) Whenever a vacancy occurs in the office of lieutenant governor, attorney general, secretary of state, state treasurer or commissioner of insurance, the governor shall immediately notify in writing the chairperson of the state central committee of the political party which elected the last incumbent of such office. Such chairperson shall call a meeting of the state central committee to be held not later than 15 days after the chairperson receives notice of the vacancy. At the meeting the state central committee shall select and transmit to the governor the name of a person qualified to fill the vacancy. Within five days after receiving the name of the person selected, the governor shall appoint the named person to fill the vacancy by appointment until the next general election after such vacancy occurs, when such vacancy shall be filled by election as provided by act of the legislature.

(2) Whenever a vacancy occurs in the office of lieutenant governor, attorney general, secretary of state, state treasurer or commissioner of insurance and the immediately past incumbent of such office was an independent without political party affiliation, the vacancy shall be filled by appointment by the governor as provided by law until the next general election after such vacancy occurs, when such vacancy shall be filled by election as provided by act of the legislature.”

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

“*Explanatory statement.* This amendment would clarify and prescribe the method for filling vacancies of the offices of governor, lieutenant governor, attorney general, secretary of state, state treasurer and commissioner of insurance.

“A vote for this amendment would clarify and prescribe the method for filling vacancies in statewide elected offices, providing for the more immediate input of Kansas voters in the fulfillment of mid-term vacancies.

“A vote against this amendment would continue the current method for filling such vacancies.”

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 the year 2010.

MESSAGE FROM THE SENATE

The Senate nonconcurs in House amendments to **SCR 1601**, requests a conference and has appointed Senators Morris, D. Schmidt and Hensley 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. 6008—

By Representative Kuether

A RESOLUTION encouraging participation in the American Heart Association's Go Red for Women campaign.

WHEREAS, Friday, February 6, has been designated "National Wear Red Day for Women" by the American Heart Association, and this event is part of the Go Red for Women campaign, the American Heart Association's national call to increase awareness about heart disease, the leading cause of death for women, and that this movement celebrates the energy, passion and power women have to take charge of their heart health in order to live stronger, longer lives; and

WHEREAS, The color red and the red dress symbol have become linked with the ability all women have to improve their heart health, and the American Heart Association is encouraging everyone to wear red on February 6 in support of all women who have experienced heart disease or stroke; and

WHEREAS, Diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death. In 2007, heart disease killed 5,727 Kansans, and more women die of cardiovascular disease than the next five leading causes of death combined, including all cancers; and

WHEREAS, Increasing women's awareness of heart disease through this program is important because only 21% of women consider cardiovascular disease their greatest health risk. This lack of urgency about women's heart health contributes to the death of over 460,000 American females each year, with over 11 females a day dying from heart disease and stroke in Kansas; and

WHEREAS, Many of the risk factors that can lead to heart disease, such as high blood pressure, high blood cholesterol and diabetes, can be controlled or prevented. Research has shown that men and women who lead healthy lifestyles, including making healthy food choices, getting regular exercise, maintaining a healthy weight and choosing not to smoke, can significantly decrease their risk of heart disease; and

WHEREAS, February is designated as American Heart Month, and women who contact the American Heart Association will be provided with information to learn their own personal risk for heart disease, using tools such as the American Heart Association's Go Red for Women Heart Checkup and by talking to their healthcare provider and obtaining information regarding free lifestyle programs to improve their health: 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 individual participation in the American Heart Association's Go Red for Women campaign; and

Be it 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, KS, 66606.

On motion of Rep. Merrick, the House recessed until 5:00 p.m.

LATE AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2276, An act relating to healthy marriages and strong families grant program, by Representative Rhoades.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, February 5, 2009.

Journal of the House

EIGHTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 5, 2009, 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. Slattery was excused on legislative business.
Reps. Aurand and Mast were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
The bills are in and the debates begin.
Each member of this body comes into this room
with their own ideas, dreams, thoughts and solutions.
Some here will be the ones to break new ground;
some will plant the seeds.
Others will nurture the growth,
while others will gather the harvest.
Help each representative find fulfillment in
his or her role —
knowing that each part is necessary
for the completion of the whole.
In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. McLeland.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2277, An act concerning public works projects for state agencies; prescribing payment of minimum wages for work thereon and preferences for certain employees to work thereon, by Committee on Appropriations.

HB 2278, An act concerning workers compensation; relating to bilateral scheduled injuries; amending K.S.A. 44-510e and repealing the existing section, by Committee on Appropriations.

HB 2279, An act concerning workers compensation; relating to benefits; amending K.S.A. 44-510c, 44-510d, 44-510e and 44-510f and K.S.A. 2008 Supp. 44-501 and repealing the existing sections, by Committee on Appropriations.

HB 2280, An act concerning school districts; relating to state aid for capital improvements and capital outlay; amending K.S.A. 2008 Supp. 72-8814 and 75-2319 and repealing the existing sections, by Committee on Appropriations.

HB 2281, An act concerning employment; relating to misclassification of employees; amending K.S.A. 2008 Supp. 79-3234 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2282, An act concerning water districts; relating to lands annexed by cities; amending K.S.A. 12-527 and repealing the existing section, by Committee on Energy and Utilities.

HB 2283. An act concerning rural water districts; relating to procedures for release of lands from a district; amending K.S.A. 2008 Supp. 82a-646 and repealing the existing section, by Committee on Energy and Utilities.

HB 2284. An act concerning water; relating to rural water districts; concerning transfer of certain property funds and records of such districts; amending K.S.A. 82a-637 and repealing the existing section, by Committee on Energy and Utilities.

HB 2285. An act concerning health care; relating to debts owed to the state; state debt setoff program, by Committee on Health and Human Services.

HB 2286. An act concerning insurance; pertaining to practices affecting certain individual policies; amending K.S.A. 40-2257 and K.S.A. 2008 Supp. 40-2215 and repealing the existing sections, by Committee on Health and Human Services.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Aging and Long Term Care: **HB 2242.**

Agriculture and Natural Resources: **HB 2241, HB 2254, HB 2272; SB 51.**

Appropriations: **HB 2273.**

Commerce and Labor: **HB 2257, HB 2260; SB 29, SB 77.**

Education: **SB 40, SB 41.**

Elections: **HB 2244, HB 2256; HCR 5010; SB 3, SB 43.**

Energy and Utilities: **HB 2251, HB 2271.**

Financial Institutions: **HB 2245.**

Government Efficiency and Fiscal Oversight: **HB 2249, HB 2265.**

Health and Human Services: **HB 2243, HB 2259, HB 2262, HB 2275.**

Higher Education: **HB 2252.**

Insurance: **HB 2274; SB 50.**

Judiciary: **HB 2246, HB 2250, HB 2263, HB 2264, HB 2266, HB 2268.**

Local Government: **HB 2247, HB 2253; SB 35.**

Taxation: **HB 2248, HB 2261, HB 2269, HB 2270.**

Transportation: **HB 2255, HB 2258; SB 5.**

Veterans, Military and Homeland Security: **HB 2267.**

Education Budget: **SB 11.**

Social Services Budget: **HB 2276.**

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2156** from Committee on Local Government and referral to Committee on Elections.

Also, the withdrawal of **HB 2158** from Committee on Local Government and referral to Committee on Elections.

COMMUNICATIONS FROM STATE OFFICERS

From Debra L. Billingsley, Executive Director, Kansas Board of Pharmacy, pursuant to K.S.A. 65-4102(b), report regarding the Kansas Controlled Substance Act.

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

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SCR 1601.**

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

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Kuether, **HR 6008.** A resolution encouraging participation in the American Heart Association's Go Red for Women campaign, was adopted.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H Sub. for Sub. SB 23, An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010 and June 30, 2011, 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. 2008 Supp. 55-193, 79-2978, 79-2979, 79-3425i, 79-34,156, 79-4801 and 82a-953a and repealing the existing sections.”, 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: Ballard, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleebl, Knox, Landwehr, Lane, Light, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, T. Brown, Burroughs, Carlin, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Schwartz, Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Aurand, Mast, Slattery.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote yes on **H. Sub. for Sub. SB 23** because in a time of fiscal crisis we must take action to be responsible with Kansas Taxpayers' dollars. This bill does everything possible to protect K-12 education dollars for the remainder of the year as well as those who cannot help themselves. Specifically, by supporting the Yoder Amendment, I was able to save USD 385 \$173,209 and USD 259 \$2,053,776. It also requires government to reign in expenses and finish this fiscal year with a constitutional positive ending balance. I vote yes to balance the budget.— AARON JACK

MR. SPEAKER: Budget cuts are certainly not easy, especially when many of our state agencies are already operating with extremely tight budgets. This is perhaps one of the hardest votes I've made, but it is necessary to keep our state from going deeper in the red. This bill makes everyone share the pain, and yet puts a lighter burden on K-12 education than the other entities. The only responsible course of action under the current economic situation is to trim from all parts of the state's budget. I vote yes on **H. Sub. for Sub. SB 23**.—MITCH HOLMES

MR. SPEAKER: I vote NO on **H. Sub. for Sub. SB 23**. The Kansas school finance formula is designed to provide for the actual costs of educating students across our state. The cuts to public education in this bill use that same formula to cut deeper where education costs are highest, in districts with many students who are at risk and with special needs and in districts that are small and rural. I vote NO. — MARTI CROW, SHIRLEY PALMER, BOB GRANT, SYDNEY CARLIN, ANN MAH

MR. SPEAKER: I vote "NO" on **H. Sub. for Sub. SB 23**. Our actions yesterday demonstrated that we do not have K-12 education funding as our number one priority. We put in place a three year solution to our school funding crisis, received approval from the Supreme Court, and now are taking back that third year of the settlement. We have turned our backs on the children and most vulnerable of our state's population while potentially weakening our public safety. The Governor showed us a road map to recovery, but this plan takes a

sharp detour. I vote "NO."— CINDY NEIGHBOR, MELODY MCCRAY-MILLER, DELIA GARCIA, GERALDINE FLAHERTY, LOUIS E. RUIZ

MR. SPEAKER: I vote yes on **H. Sub. for Sub. SB 23**. This bill attempts to protect for the remainder of the year, K-12 education dollars, as well as our most vulnerable citizens. It also requires all state government to reign in expenses so we can finish this year with a positive ending balance. It seeks to eliminate the use of accounting gimmicks which ignore the real problem Kansas faces. It is very painful to make such cuts but the ending balance helps to ensure that another rescission bill won't be needed for FY 2009 and hopefully will lessen the pain of 2010 cuts.—DEENA HORST

MR. SPEAKER: Kansas is in an extra ordinary difficult situation and as a legislator, we don't have any good options. We can't deal with this budget without dealing with K-12 because it is more than half of the budget. However SB23 hurts small rural schools significantly greater than many of our suburban counterparts. The smaller they are, the harder they are hurt . While cuts are required it is important that we balance the pain fairly. For this reason, I vote no on **H. Sub. for Sub. SB 23**. — SHARON SCHWARTZ

MR. SPEAKER: Kansas, our nation, and our citizens face the greatest financial challenges and problems since the Great Depression. Today we made difficult, but responsible, choices for the people of this great state. We did our best to develop a balanced budget that would support our state's highest priority, our children's education, and to stand up for the most vulnerable Kansans - those who require special services. The choices were incredibly difficult but this is what we must do to get the state back on track now and for the future. I vote yes on **H. Sub. for Sub. SB 23**.—MARVIN KLEEB

MR. SPEAKER: I vote yes on **H. Sub. for Sub. SB 23**. At all times, the Legislature has a responsibility to be wise and prudent with tax dollars, but especially in periods of fiscal crisis. Cuts are never easy, but this bill does protect K-12 education dollars for the remainder other year, as well as those who cannot help themselves. It requires government to reign in spending, finishing this fiscal year with a positive ending balance. Fiscal shortfalls are not pushed to local governments and accounting gimmicks are eliminated. I vote yes on this first step to balance our budget.—KASHA KELLEY

MR. SPEAKER: Today we made tough but responsible choices for the people of this great state. We stood up for the most vulnerable Kansans - from our children's education to those who require special services. We put the people first by reigning in government spending to help balance the state's checkbook. The choices were undoubtedly difficult but this is what we must do to get the state back on track now and for the future. I vote yes on **H. Sub. for Sub. SB 23**.—ANTHONY R. BROWN, PHIL HERMANSON, WILLIE PRESCOTT, BILL WOLF, S. MIKE KIEGERL, STEVE HUEBERT

MR. SPEAKER: I vote yes on **H. Sub. for Sub. SB 23** because in a time of fiscal crisis we must take action to be responsible with Kansas Taxpayers' dollars. This bill does everything possible to protect K-12 education dollars for the remainder of the year as well as those who cannot help themselves. It also requires government to reign in expenses and finish this fiscal year with a positive ending balance. It protects us from pushing the problem to local governments and eliminates accounting gimmicks which ignore the real problem Kansas faces. I vote yes to balance the budget.—BILL OTTO, RICHARD CARLSON, MARC RHOADES, VIRGIL PECK, JR., KAY WOLF, JILL QUIGLEY, MARIO GOICO

MR. SPEAKER: I reluctantly vote yes on **H. Sub. for Sub. SB 23**. Kansas is in an extraordinarily difficult financial situation and it could get worse. Legislators don't have any good options — we only have the best of bad options. We don't want to be in a position where we are putting important programs in pain. However, we can't deal with this budget problem without dealing with K-12 Education because it is more than half of the budget. This bill attempts balances those difficult decisions and eases the pain on social services and public safety.—LEE TAFANELLI

SCR 1606, A concurrent resolution regarding the Kansas Legislature's opposition to the relocation of the Guantanamo Bay detainees to Ft. Leavenworth, Kansas or elsewhere within

Kansas and urging the President of the United States and other members of the federal executive branch, to not consider Ft. Leavenworth or elsewhere in Kansas as a potential site for the relocation of the Guantanamo Bay detainees, 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, 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, Huntington, 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, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Mast, Slattery.

The resolution was adopted.

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 **HCR 5007** be adopted.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick, pursuant to House Rule 2311, **HCR 5007** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HCR 5007 A concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Supreme Court, 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: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, 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, Huntington, 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, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Feuerborn, Neufeld, Ward.

Present but not voting: None.

Absent or not voting: Aurand, Mast, Slattery.

The resolution was adopted.

REPORT OF STANDING COMMITTEE

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

Request No. 16, by Representative Meier, commending Nathan L. Salvatorelli for achieving the rank of Eagle Scout;

Request No. 17, by Representative Meier, honoring the First Presbyterian Church for their 100th Anniversary Building Rededication 1909-2009;

Request No. 18, by Representative Burroughs, congratulating Frank and Delores Lustig of Frank's Used Cars on their 50th Anniversary of their Business;

Request No. 19, by Representative Burroughs, congratulating Carol Levers recognizing her as a recipient of the 2008 Carnegie Corporation of New York/New York Times "I Love My Librarian Award";

Request No. 20, by Representative Carlson, congratulating Lynn Boerner for being recognized by Emporia State University as the recipient of the 2008 Master Teacher Award;

Request No. 21, by Representative Kinzer, commending Tempe Hardy, Mitso Sato, Todd Bray and John and Anna Tarr, for participation in the "Holiday Moms Makeover";

Request No. 22, by Representative Kinzer, commending Lenning Gomez of Sweet Tomatoes Restaurant for donation of time and food to the "Holiday Moms Makeover";

Request No. 23, by Representative Tietze, congratulating the Hayden High School Varsity Girls' Golf Team on their 2008 winning season and individual accomplishments;

Request No. 24, by Representative Spalding, congratulating Mitchell Glessner on achieving the rank of Eagle Scout;

Request No. 25, by Representative Moxley, congratulating Frank and Janis Holm on their 50th wedding anniversary on February 8, 2009;

Request No. 26, by Representative Kiegerl, honoring Dr. Suzanne Blair on receiving the American Star Teaching Award;

Request No. 27, by Representative Kiegerl, congratulating Aubrey Baker and Katie Weil on receiving the 2008 Department of Education Horizon Award;

Request No. 28, by Representative Kiegerl, congratulating Teren Brungardt on achieving the Eagle Scout Award;

Request No. 29, by Representative Jack, honoring Tracy Ann Coffey in recognition of her life and the gift of joy she gives to everyone she meets;

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 and concurrent resolution were thereupon introduced and read by title:

HB 2287, An act pertaining to health reimbursement arrangements, by Committee on Health and Human Services.

HB 2288, An act enacting the healthcare price transparency act, by Committee on Health and Human Services.

HB 2289, An act concerning health insurance; concerning mandate lite health benefit plans and specially designed policies, by Committee on Health and Human Services.

HB 2290, An act concerning small employer health insurance plans; amending K.S.A. 40-2209f and 40-2209h and K.S.A. 2008 Supp. 40-2242 and 40-2246 and repealing the existing sections, by Committee on Health and Human Services.

HB 2291, An act enacting the health care price transparency act; prescribing disclosure and availability of prices charged by certain health care providers and reimbursed by health insurance carriers for health or medical care services, by Committee on Taxation.

HB 2292. An act concerning consumer credit; relating to security freeze on consumer reports; amending K.S.A. 2008 Supp. 50-723 and repealing the existing section, by Committee on Judiciary.

HB 2293. An act concerning offender registration; relating to broadcast of offender information; amending K.S.A. 22-4909 and repealing the existing section, by Committee on Judiciary.

HB 2294. An act concerning the minimum wage and maximum hours law; amending K.S.A. 44-1203 and 44-1211 and repealing the existing sections, by Committee on Appropriations.

HB 2295. An act concerning milk and dairy products; relating to labels for such products, by Committee on Taxation.

HB 2296. An act concerning wildlife and parks; relating to fees charged by the secretary of wildlife and parks and disposition thereof; concerning the state water plan fund, by Committee on Taxation.

HB 2297. An act concerning geriatric medicine; relating to approved postgraduate residency training program for the university of Kansas school of medicine and the doctor of osteopathy medical student loan programs; amending K.S.A. 2008 Supp. 74-3266 and 76-381 and repealing the existing sections, by Committee on Aging and Long Term Care.

HB 2298. An act concerning educational requirements for licensure as a health care provider, by Committee on Higher Education.

HB 2299. An act concerning sales taxation; relating to exemptions; goodwill industries; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2300. An act concerning sales taxation; relating to exemptions; resource conservation and development councils; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2301. An act concerning public safety; relating to elevators, escalators, platform lifts, stairway chairlifts, dumbwaiters, moving walks, automated people movers and other conveyances, by Committee on Commerce and Labor.

HOUSE CONCURRENT RESOLUTION No. 5011—

A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the definition of public utility.

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 11 of the constitution of the state of Kansas is hereby amended to read as follows:

“**§ 1. System of taxation; classification; exemption.** (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, 1993, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located 11½%
- (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution 30%
- (3) Vacant lots 12%
- (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law 12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed 33%
- (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use ... 25%
- (7) All other urban and rural real property not otherwise specifically subclassified 30%

Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Mobile homes used for residential purposes 11½%
- (2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25% 30%
- (3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed 33%
- (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985 30%
- (5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property 25%
- (6) All other tangible personal property not otherwise specifically classified .. 30%

(b) All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, merchants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, livestock, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation.

(c) *For purposes of this section, the term "public utility" shall include every person or entity, regardless of residence or domicile or jurisdiction of the state corporation commission or other regulatory body, that owns, controls or holds for resale natural gas that is stored or delivered for storage in an underground formation in this state. The legislature shall have the authority from time to time to redefine the term "public utility" for purposes of subclassification and taxation under this article.*

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 define public utility for property tax purposes to include a person or entity regardless of where the taxpayer resides or is domiciled or jurisdiction of the state corporation commis-

sion to include any such person or entity who owns, controls or holds natural gas for resale which is stored or delivered for storage underground, and allow the legislature to redefine such term.

“A vote for this amendment would subject a person or entity who owns, controls or holds natural gas for resale which is stored or delivered for storage underground to property taxation as a public utility regardless of where the taxpayer resides or domiciles or jurisdiction of the state corporation commission.

“A vote against this amendment would make no changes in current law providing a property tax exemption for such person or entity.”

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 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.

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.

MESSAGE FROM THE SENATE

The Senate nonconcur in House amendments to **H. Sub. for Sub. SB 23**, requests a conference and has appointed Senators Emler, Vratil 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 **H. Sub. for Sub. SB 23**.

Speaker O'Neal thereupon appointed Reps. Yoder, Watkins and Feuerborn as conferees on the part of the House.

On motion of Rep. Merrick, the House adjourned pro forma until 10:00 a.m., Friday, February 6, 2009.

Journal of the House

NINETEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 6, 2009, 10:00 a.m.

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

INTRODUCTION OF GUESTS

Reps. Tafanelli and Meier welcomed the International Officers from Fort Leavenworth, who were touring the Capitol today.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2302. An act concerning property taxation; relating to exemptions; housing for elderly persons; amending K.S.A. 2008 Supp. 79-201b and repealing the existing section, by Committee on Taxation.

HB 2303. An act concerning the Kansas code for care of children; relating to removal of child from custody of parents; amending K.S.A. 2008 Supp. 38-2241 and repealing the existing section, by Committee on Judiciary.

HB 2304. An act relating to motor vehicles; providing for a share the road license plate; amending K.S.A. 2008 Supp. 8-1,141 and repealing the existing section, by Committee on Taxation.

HB 2305. An act amending the Kansas manufactured housing act; concerning certain certificates of title; amending K.S.A. 58-4214 and 58-4216 and repealing the existing sections, by Committee on Taxation.

HB 2306. An act concerning property taxation; relating to time for payment of taxes; amending K.S.A. 2008 Supp. 79-2004 and 79-2004a and repealing the existing sections, by Committee on Taxation.

HB 2307. An act concerning school districts; relating to certain pupils, by Committee on Education.

HB 2308. An act concerning the personal and family protection act; amending K.S.A. 2008 Supp. 75-7c03 and 75-7c05 and repealing the existing sections, by Committee on Veterans, Military and Homeland Security.

HB 2309. An act concerning the appropriation of water; amending K.S.A. 82a-710 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2310. An act concerning the long-term care partnership program; allowing the exchange of certain long-term care policies or certificates; amending K.S.A. 2008 Supp. 40-2136 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2311. An act concerning service of process; relating to private detectives; amending K.S.A. 60-303 and 61-3003 and repealing the existing sections; also repealing K.S.A. 61-3003a, by Committee on Federal and State Affairs.

HB 2312. An act concerning workers compensation; relating to caps on damages and death benefits, by Committee on Federal and State Affairs.

HB 2313. An act concerning employment security law; relating to response times; amending K.S.A. 2008 Supp. 44-709 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2314, An act concerning children and minors; establishing the protective parent reform act; amending K.S.A. 2008 Supp. 38-2226 and 38-2230 and repealing the By Committee on Judiciary.

HB 2315, An act concerning crimes and punishment; relating to driving under the influence; amending K.S.A. 2008 Supp. 8-1001, 8-1014 and 8-1015 and repealing the existing sections, by Committee on Judiciary.

HB 2316, An act concerning state government; providing for a furlough equality plan for certain executive branch positions, by Committee on Government Efficiency and Fiscal Oversight.

HB 2317, An act concerning state government; requiring certain agencies to submit a budget; amending K.S.A. 2008 Supp. 75-3717 and repealing the existing section, by Committee on Government Efficiency and Fiscal Oversight.

HB 2318, An act concerning rural water districts; amending K.S.A. 2008 Supp. 82a-612 and 82a-619 and repealing the existing sections, by Committee on Energy and Utilities.

HB 2319, An act concerning property taxation; relating to fair market value of certain rental property; amending K.S.A. 2008 Supp. 79-503a and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Aging and Long Term Care: **HB 2297**.

Agriculture and Natural Resources: **HB 2283, HB 2284, HB 2295, HB 2296**.

Commerce and Labor: **HB 2277, HB 2278, HB 2279, HB 2294, HB 2301**.

Health and Human Services: **HB 2287, HB 2288, HB 2289, HB 2291**.

Higher Education: **HB 2298**.

Insurance: **HB 2286, HB 2290**.

Judiciary: **HB 2292, HB 2293**.

Local Government: **HB 2282**.

Taxation: **HB 2281, HB 2299, HB 2300; HCR 5011**.

Education Budget: **HB 2280**.

Social Services Budget: **HB 2285**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2262** from Committee on Health and Human Services and referral to Committee on Insurance.

Also, the withdrawal of **HB 2270** from Committee on Taxation and referral to Committee on Economic Development and Tourism.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, February 9, 2009.

Journal of the House

TWENTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 9, 2009, 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. Siegfried was excused on legislative business.

Reps. Henry, Kelley and Ruiz were excused on excused absence by the Speaker.

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

When the leaders of our country assembled to write the Constitution, Benjamin Franklin proposed that each session be opened with prayer. Franklin said, "I have lived a long time, and the longer I live the more convincing proof I see of this truth — that God governs the affairs of men."

Let us pray:

Our nation is great because it was founded upon God's Word and prayer. But today prayer has been replaced by intrigue, materials and a mistaken notion that our private and national affairs can be run without God. I pray Heavenly Father that you grant wisdom to the decision of the halls and offices of this place. Grant insight to direction and authority to govern this state under the wings of God himself. Bless these your children and may they offer themselves to you this day. Guide this state and our great country by your hand. May you oversee the decisions of our president and grant protection to our military around the globe. In God's name I pray. Amen.

You cannot help men permanently by doing for them what they could and should do for themselves. Abraham Lincoln

The Pledge of Allegiance was led by Rep. Ballard.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2320, An act concerning state finance; establishing the budget stabilization reserve fund in the state treasury; prescribing guidelines for expenditures from such fund and transfers between such fund and the state general fund, by Committee on Government Efficiency and Fiscal Oversight.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2309**, **HB 2318**.

Commerce and Labor: **HB 2312**, **HB 2313**.

Education: **HB 2307**.

Federal and State Affairs: **HB 2308**.

Government Efficiency and Fiscal Oversight: **HB 2316**.

Insurance: **HB 2310**.

Judiciary: **HB 2303**, **HB 2305**, **HB 2311**, **HB 2314**, **HB 2315**.

Taxation: **HB 2302, HB 2306, HB 2319.**
Transportation: **HB 2304.**
General Government Budget: **HB 2317.**

MESSAGES FROM THE SENATE

Announcing passage of **SB 82, SB 102.**
Announcing adoption of **HCR 5007.**
Also, announcing passage of **Sub. SB 6; SB 38, SB 78, SB 80, SB 85, SB 86, SB 132.**
Announcing adoption of **SCR 1604.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 6; SB 38, SB 78, SB 80, SB 82, SB 85, SB 86, SB 102, SB 132; SCR 1604.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2110** be amended on page 1, in line 14, by striking "Subject to the provisions of subsection (d), in" and inserting "In"; by striking all in lines 35 through 42; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2111** be amended on page 1, in line 16, before "The" by inserting "(a)"; after line 24, by inserting:

"(b) The provisions of K.S.A. 20-3201 through 20-3207, and amendments thereto shall expire on June 30, 2013.";

Also on page 1, in line 26, by striking "Of" and inserting "(a) On and after July 1, 2009 through June 30, 2013, of";

On page 2, after line 25, by inserting:

"(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 (f) of K.S.A. 20-362, and amendments thereto, the state treasurer shall deposit and credit:

- (1) 4.30% to the access to justice fund;
- (2) 2.38% to the juvenile detention facilities fund;
- (3) 1.83% to the judicial branch education fund;
- (4) .48% to the crime victims assistance fund;
- (5) 2.34% to the protection from abuse fund;
- (6) 3.71% to the judiciary technology fund;
- (7) .30% to the dispute resolution fund;
- (8) 1.08% to the Kansas juvenile delinquency prevention trust fund;
- (9) .19% to the the permanent families account in the family and children investment fund;
- (10) 1.29% to the trauma fund;
- (11) .97% to the judicial council fund;
- (12) .59% to the child exchange and visitation centers fund;
- (13) 15.75% to the judicial branch nonjudicial salary adjustment fund;
- (14) 15.57% to the judicial branch nonjudicial salary incentive fund; and
- (15) the balance to the state general fund.";

Also on page 2, after line 30, by inserting:

"(1) On and after July 1, 2009 through June 30, 2013.";

Also on page 2, after line 41, by inserting:

"(2) On and after July 1, 2013:

Murder or manslaughter	\$179.50
Other felony	170.00
Misdemeanor	135.00
Forfeited recognizance	71.50
Appeals from other courts	71.50";

On page 3, in line 8, before "a" by inserting "on and after July 1, 2009 through June 30, 2013."; in line 9, before the period, by inserting " , and on and after July 1, 2013, a docket fee of \$73 shall be charged"; in line 12, before "the" by inserting "on and after July 1, 2009

through June 30, 2013,”; in line 14, before the period, by inserting “, and on and after July 1, 2013, the docket fee to be paid as court costs shall be \$73”; in line 19, before “a” by inserting “on and after July 1, 2009 through June 30, 2013,”; in line 21, before the period, by inserting “, and on and after July 1, 2013, a docket fee of \$73 shall be charged”; in line 23, before “the” by inserting “on and after July 1, 2009 through June 30, 2013,”; in line 25, before the period, by inserting “, and on and after July 1, 2013, the docket fee to be paid as court costs shall be \$73”;

On page 4, after line 25, by inserting:

“(A) On and after July 1, 2009 through June 30, 2013.”;

On page 5, after line 17, by inserting:

“(B) On and after July 1, 2013:

Treatment of mentally ill	\$34.50
Treatment of alcoholism or drug abuse	34.50
Determination of descent of property	49.50
Termination of life estate	48.50
Termination of joint tenancy	48.50
Refusal to grant letters of administration	48.50
Adoption	48.50
Filing a will and affidavit under K.S.A. 59-618a, and amendments thereto ...	48.50
Guardianship	69.50
Conservatorship	69.50
Trusteeship	69.50
Combined guardianship and conservatorship	69.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto	23.50
Decrees in probate from another state	108.50
Probate of an estate or of a will	109.50
Civil commitment under K.S.A. 59-29a01 et seq., and amendments thereto	33.50”;

On page 6, in line 3, before “to” by inserting “on and after July 1, 2009 through June 30, 2013, and \$40 on and after July 1, 2013.”; in line 20, before “to” by inserting “on and after July 1, 2009 through June 30, 2013, and \$154 on and after July 1, 2013,”;

On page 7, in line 39, before “if” by inserting “on and after July 1, 2009 through June 30, 2013, and \$37 on and after July 1, 2013,”; in line 41, before “if” by inserting “on and after July 1, 2009 through June 30, 2013, and \$57 on and after July 1, 2013,”;

On page 8, in line 11, before “if” by inserting “on and after July 1, 2009 through June 30, 2013, and \$35 on and after July 1, 2013,”; in line 13, before “if” by inserting “on and after July 1, 2009 through June 30, 2013, and \$55 on and after July 1, 2013,”; in line 16, before “if” by inserting “on and after July 1, 2009 through June 30, 2013, and \$101 on and after July 1, 2013,”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2023, HB 2045** be passed.

Committee on **Veterans, Military and Homeland Security** recommends **HB 2085** be amended on page 4, before line 1, by inserting the following:

“Sec. 2. K.S.A. 2008 Supp. 73-1235 is hereby amended to read as follows: 73-1235. (a)

There is hereby established with the Kansas commission on veterans affairs an advisory board which shall be known as the veterans claims assistance advisory board. The advisory board shall advise the Kansas commission on veterans affairs in the implementation and administration of the veterans claims assistance program.

(b) The advisory board shall consist of ~~six members as follows~~ *the following members*:

(1) The director of the veterans claims assistance program, who shall be a permanent member of the advisory board and shall serve as the chairperson of the advisory board.

(2) ~~Three members of the advisory board shall be veterans representing veterans service organizations~~ *Each veterans service organization participating in the grant program shall appoint one member of the advisory board who shall be a veteran.* The director shall notify the state level unit of each national veterans service organization which has an office in the federal department of veteran affairs regional office in Wichita, Kansas, and request written confirmation of the intent of the veterans service organization to participate in the veterans claims assistance program and to request an annual service grant. Each such veterans service organization submitting such confirmation *that also meets the eligibility requirements in*

K.S.A. 73-1234, and amendments thereto, shall prepare and submit a list of three nominations of veterans from such veterans service organization. The governor shall appoint one veteran as a member of the advisory board from each list.

(3) Two legislators, one from each house, shall be appointed to the advisory board with the speaker of the house of representatives and president of the senate each appointing a member. One legislator shall be a member of the democratic party and one legislator shall be a member of the republican party.

(c) Within 90 days of the effective date of this act, the governor, the speaker of the house of representatives and the president of the senate shall appoint the initial members of the advisory board. Of the initial appointments to the advisory board by the governor, one shall be for a term of one year, one shall be for a term of two years and one shall be for a term ending three years after the date of the initial appointment. After the initial appointments, terms of office of the members appointed by the governor shall be for three years. The term of office of each member appointed by the speaker of the house of representatives or the president of the senate shall end on the first day of the regular session of the legislature which commences in the first odd-numbered year occurring after the year such member was appointed.

(d) Each member of the advisory board, other than the director of the veterans claims assistance program, shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the advisory board for any reason other than the expiration of a member's term of office, the governor, the speaker of the house of representatives or president of the senate shall appoint a successor of like qualifications to fill the unexpired term in accordance with this section. In the case of any vacancy occurring in the position of an advisory board member who was appointed from a list of nominations submitted by a veterans service organization, the governor shall notify that veterans service organization of the vacant position and request a list of three nominations of veterans from which the governor shall appoint a successor to the advisory board.

(e) Annually, the advisory board shall elect a vice-chairperson and secretary from among its members and shall meet at least four times each year at the call of the chairperson.

(f) The members of the advisory board attending meetings of the advisory board or attending a subcommittee meeting thereof authorized by the advisory board shall receive no compensation for their services but shall be paid subsistence allowances, mileage and other expenses as provided in subsections (b), (c) and (d) of *K.S.A. 75-3223* and amendments thereto.”;

Also on page 4, in line 1, by striking “is” and inserting “and 73-1235 are”;

And by renumbering the sections accordingly;

On page 1, in the title, in line 1, after “relating” by inserting “to the Kansas commission on veterans affairs; pertaining”; in line 10, by striking “service grant eligibility requirements;” and inserting “the veterans claims assistance advisory board;” in line 11, after “73-1234” by inserting “and 73-1235”; also in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

In accordance with **HCR 5007** providing for a joint session for the purpose of hearing a message from the Supreme Court, Speaker O’Neal appointed Reps. Morrison and Garcia to escort the Senate; Reps. King, Patton and D. Gatewood to escort the Supreme Court.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, February 10, 2009.

Journal of the House

TWENTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 10, 2009, 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. Mah and Ruiz were excused on excused absence by the Speaker.

Prayer by guest chaplain, Randy Ingmire, Vice President for Academic Affairs, Manhattan Christian College, and guest of Rep. Carlin:

To the God in Whom we trust,
As we begin this day's session, remind us that for everything there is a season and a time for every purpose under the sun . . .
A time to change, and a time to remain the same.
A time to debate, and a time to resolve.
A time to take sides, and a time to join together.
A time to keep, and a time to throw away.
A time to speak, and a time to keep silent.

We recognize that we are far from perfect, so it is humbling to be placed in this position as decision makers for the people of this great state of Kansas. Because good government is not without tension producing decisions, guide and bless these men and women who have been sent here by the people of Kansas and who have been ordained by You to govern. Grant them the wisdom to rule, and may their decisions direct us to the center of Your will.

And never let any of us forget that the risk of inaction is greater than the risk of moving forward and changing. Almighty God, today help these decision makers to move us forward into a time of change that will provide a better place for all Kansans.

So be it through You. Amen.

The Pledge of Allegiance was led by Rep. Swanson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2321, An act concerning sales taxation; relating to Kansas retailers' sales tax act; political subdivisions thereunder; horsethief reservoir benefit district; sales tax refund; amending K.S.A. 2008 Supp. 79-3602 and repealing the existing section, by Committee on Taxation.

HB 2322, An act concerning civil procedure; relating to wrongful death; amending K.S.A. 60-1901 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2323, An act concerning adult care homes and home health agencies; amending K.S.A. 2008 Supp. 39-970 and 65-5117 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to committees as indicated:
Committee of the Whole: **SCR 1604**.

Elections: **SB 80**.
 Government Efficiency and Fiscal Oversight: **HB 2320**.
 Health and Human Services: **SB 82, SB 102**.
 Judiciary: **Sub. SB 6; SB 85, SB 86, SB 132**.
 Local Government: **SB 38**.
 Taxation: **SB 78**.

MESSAGE FROM THE SENATE

In accordance with **HCR 5007**, a concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Supreme Court, the Senate announces the appointment of Senators Owens and Haley to wait upon the Supreme Court Justices.

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 recommending a substitute resolution to **Sub. HR 6004** be adopted; also, on motion of Rep. Shultz to amend, the motion was withdrawn. Also, on further motion of Rep. Shultz, the resolution be amended on page 29, in line 23, by striking “48” and inserting “24”; and **Sub. HR 6004** be adopted as amended.

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

Speaker O’Neal called the House to order.

It being the hour in accordance with **HCR 5007** to meet in joint session with the Senate to hear the message of the Chief Justice, Reps. Morrison and Garcia escorted President Morris and members of the Senate to seats in the House.

Reps. King, Patton and D. Gatewood and Senators Owens and Haley escorted the Chief Justice to the rostrum and other members of the Supreme Court to seats in the House.

ADDRESS OF CHIEF JUSTICE ROBERT E. DAVIS TO THE JOINT SESSION OF THE 2009 LEGISLATURE THE STATE OF THE KANSAS JUDICIARY IN 2009

Speaker O’Neal, President Morris, distinguished members of the Senate and House, honored guests: Thank you for the opportunity to address both houses of the Legislature today as I report on the State of the Judiciary in Kansas. I consider it a privilege and an honor to stand before you.

Before I begin, please allow me to introduce my colleagues on the Kansas Supreme Court who are with me today. In order of seniority, they are: Justice Lawton R. Nuss, Justice Marla J. Luckert, Justice Carol A. Beier, Justice Eric S. Rosen, and Justice Lee A. Johnson. Also present today is Dan Biles, who has recently been appointed to the court by Governor Sebelius and will be sworn in as our newest justice next month. The justices of Kansas’ highest court contribute not only their high-quality legal analysis in our opinions, but we as a court also set policy for administering the Judicial Branch of our government. We are all here today to report to you that the State of the Judiciary in Kansas is sound and that we continue to render quality service to all of our citizens.

For those of you who have not yet met me, I am Bob Davis. I took over the reins as Chief Justice of the Kansas Judicial Branch upon Chief Justice Kay McFarland’s retirement in January. Chief Justice McFarland served an impressive 31 years as a justice of the Kansas Supreme Court—13 of those years as Chief Justice. We are grateful to her for dedicating her career to the people of Kansas. Chief Justice McFarland is a tough act to follow, and I am honored to have had the opportunity to serve with her.

As for me, I am a 16-year veteran of the Kansas Supreme Court. I previously served on the Kansas Court of Appeals for seven years from 1986 until 1993. My background also includes service in the trial and appellate levels of the United States Army JAG Corps, in the private practice of law, and as a county attorney and district court judge.

In my office across the street, I have on display an envelope hand-addressed by the Honorable David J. Brewer. Justice Brewer began his professional career in Leavenworth and eventually became a Kansas Supreme Court justice in 1870. He was appointed to the United States Supreme Court in 1889, where he served until his death in 1910.

While Justice Brewer was on the United States Supreme Court, he said, "Let it never be forgotten that the protection of . . . liberty . . . is the great duty of the republic." These words harken back to George Washington, who wrote in a letter to Edmond Randolph that "[t]he administration of justice is the firmest pillar of government."

What Justice Brewer and George Washington recognized is that the great aim of all public service is to justly protect the liberties of those we serve.

We all promote justice in our different responsibilities. You in the Legislative Branch create and enact the laws we live by. The Executive Branch administers these laws. We in the Judicial Branch interpret the laws and assure that they are within the parameters of our state and federal constitutions.

Perhaps the most commonly stated maxim in our court opinions is that, in cases of statutory interpretation, the intent of the Legislature governs. Our courts seek, in interpreting the law, to determine *your* intent. Of all the laws we in the courts are called on to interpret and apply, two come immediately to mind. K.S.A. 22-2103, which is found at the beginning of our Criminal Procedure Act, instructs the courts "to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay." K.S.A. 60-102, its civil counterpart, charges Kansas' courts "to secure the just, speedy and inexpensive determination of every action or proceeding."

These are high orders, and we in the Judicial Branch take them very seriously. They can be summed up in three words: Justice, Efficiency, and Affordability.

Our first and primary goal, as the statutes make clear, is the administration of *justice* in all proceedings. It is my strong opinion that the best account of our efforts in this regard is not what I say today, but rather lies in the observation of how our courts promote justice on a day-to-day basis. To that end, and on behalf of our judges at every level of the Kansas Judicial Branch, I invite you to our courthouses. There, you will see first-hand the administration of justice.

More than 30 years ago, the Kansas Legislature unified our state court system. They established one court of justice and created a Court of Appeals. Court unification enabled the Supreme Court to administer the third branch of government uniformly throughout our state. Unification also had the dual benefit of saving litigants' expenses by reducing travel costs and bringing the appellate system to people's doorsteps. Eighty percent of the appeals filed in our state are decided by the Court of Appeals.

Today and tomorrow, panels of the Court of Appeals are hearing cases in Wichita, El Dorado, Kansas City, and Topeka. I invite you to come across the street and observe the parties' oral arguments and the judges' pointed questions regarding the application of the law in those cases.

The Supreme Court will next hear oral arguments in March. I invite you to visit our courtroom and observe those arguments as well. All oral arguments are open to the public. Supreme Court arguments may also be heard online, accessed through the Judicial Branch's website.

Perhaps even more visible are the trial courts—the district and magistrate judges throughout our state. In hundreds of cases heard daily, children, crime victims, and all citizens depend upon our trial courts for justice.

While you are visiting the courthouses of this state—whether at the trial or appellate level—keep in mind that the very important work being carried on in those courtrooms still does not give you a full picture of the obligation of judges and other employees of the Judicial Branch. Equally important to our charge of administering justice in this state is our work to assure that all have *access* to justice. This task involves efforts to educate the public and to increase efficiency and affordability in all of our activities. I would like to discuss a

few of the programs we have instituted to demonstrate how we are striving to meet these goals.

We know that, in difficult economic times, the public need for access to the courts does not diminish. In many instances, the need to access the courts actually increases. At the same time, the ability to afford legal representation has become increasingly more difficult for some parties. Over the past several years, the number of self-represented litigants appearing in our district courts has increased substantially.

Self-represented litigants generally pose more questions and make more procedural errors than litigants represented by an attorney. Judges of the district courts, as well as our court clerks, spend additional time assisting these individuals in filing, processing, and understanding their cases. The issue becomes more complex when one considers the fact that clerks of the district court are not attorneys. They are prohibited from providing legal advice to self-represented litigants. Judges, who are neutral fact-finders, also are limited in the advice and guidance they can provide.

These and other issues led the Kansas Supreme Court to create the Self-Represented Study Committee in 2007. With a membership that includes judges, attorneys, court administrators, and clerks of the district court, this committee has been working hard to provide insight and to seek improvements that will benefit self-represented litigants. The intent of this committee's work is not to marginalize or do away with the need for attorneys, but to make better use of limited resources for everyone involved in the system. We are committed to providing self-represented litigants more and easier access to our trial courts.

Just as we are committed to educating self-represented litigants about courtroom activities, we are committed to informing the public about who we are *as judges* and what we do. With the help of funding from the Legislature, we have for the first time helped to provide our citizens with a systematic review of judicial performance. The Kansas Commission on Judicial Performance published the first round of judicial performance evaluations last year, giving voters in the past general election the opportunity to find out much more about their judges. The performance evaluations were based on surveys that were mailed to attorneys, jurors, witnesses, staff, and others who had contact with those justices and judges who stood for retention in the November general election.

One additional way that we are reaching out to the public to inform Kansas citizens about the workings of the Judicial Branch—and save time and money in the process—is through our expansion of court technology. Our Kansas Judicial Branch website, www.kscourts.org, provides access to, among many other things, all Kansas printed appellate decisions, real-time Supreme Court arguments, and all oral arguments before our court since 2004.

I am also pleased to announce that, since our last legislative update in February 2008, the Judicial Branch has completed two major technological upgrades of what was a recent major achievement, our statewide case management system called FullCourt.

Document scanning, also called document imaging, and online access to court records are now operational in all Kansas counties. Document scanning makes it possible to electronically access case pleadings without having to manually retrieve paper files. Court personnel and your constituents are already experiencing the benefits of this enhanced technology. Members of the public may also access public court documents from public computer terminals located in each courthouse.

The online records feature will save citizens both time and money by enabling them to view court actions from the comfort of their own homes. With the index of public court records available online in all Kansas counties at this time, we can look toward our next step, which is to expand electronic access and research capabilities.

In addition, we are working toward accepting credit and debit cards for all transactions handled by the Judicial Branch. As you may or may not know, the district courts currently accept credit and debit card payments in new cases that are filed by fax. The citizens of Kansas have expressed a strong desire for the convenience of paying all court transactions such as traffic tickets, marriage licenses, and other fees by credit or debit card. We are very close to meeting this request.

With these technological advancements in place, the Judicial Branch can now proceed with our exploration of the electronic filing of cases. Electronic filing, or e-filing, will allow litigants to electronically file district court cases from their homes and offices.

These represent only a sampling of our efforts to educate the public and increase the efficiency of our judicial system. These programs, coupled with our award-winning court delay reduction program implemented after unification, demonstrate that we have taken to heart the Legislature's charge that we promote efficient and affordable access to justice in the State of Kansas.

With your help and cooperation, we strive to meet the goals of Justice, Efficiency, and Affordability. As many of you know, we are somewhat unique in our budgetary structure. With court unification in 1977, the state elected to assume all payroll costs for our system. The counties, however, continue to fund almost all other expenses associated with court operating costs throughout Kansas. What this means to you as policy makers is that more than 97 percent of our state Judicial Branch budget is for employee salaries. As a result, there are very few items that can be cut out of the budget. For example, those cases dealing with the well-being of children in need of care cannot be compromised, and the public safety concerns inherent in criminal cases must be addressed promptly. We are all faced with the difficult task of providing justice to the people of Kansas in this economy. I understand that the budget is at the forefront of your agenda, and I look forward to the opportunity to work with you in earnest on this issue.

I would like to close today with a story that demonstrates the profound dedication to justice exhibited by our courts in this state. I ask you to recall the extraordinary challenge that confronted my friend Chief Judge Dan Love, of Dodge City, and the other judges and citizens who were so devastated by the May 2007 Category 5 tornado that ripped through Greensburg and the surrounding area. The Kiowa County courthouse, though still standing at the end of the day, was rendered unusable when the tornado destroyed approximately 95 percent of the town. District Magistrate Judge Ann Dixon, herself a resident of Greensburg, was among those whose homes were destroyed by this horrific tornado.

What most people do not know is that Chief Judge Love, other judges, and court employees from surrounding counties started the recovery effort *the very next morning*. In the can-do spirit that epitomizes Kansans, criminal court proceedings were held on the very next Wednesday at a temporary court location set up seven miles down the road in Mullinville. The commitment and effort of these Judicial Branch employees set the gold standard for what it means to assure access to justice in our state. Yet they represent just one example of our dedication to providing justice for all Kansans.

Thomas Jefferson once said that “[m]an’s capacity for justice makes democracy possible.” I am incredibly proud of the people of our Judicial Branch and am profoundly grateful for all that they do to safeguard the administration of justice in our state. I have discussed only some of those efforts today.

Thank you, once again, for this opportunity to address you today. As you progress with the legislative session, I know that you will take fair account of the needs of the Judicial Branch of our government, as well as the vital services that we provide to the public. And finally, for all the good work you have done and continue to do for the citizens of Kansas in this difficult time, I want to express my gratitude and bid you Godspeed. Thank you.

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

Speaker O’Neal called the House to order.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2039**, **HB 2059**, **HB 2096**, **HB 2097**, **HB 2098** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2040** be amended on page 7, in line 28, by striking “Except as provided in paragraph (3), if” and inserting “IF”; in line 37, by striking “Except as provided in paragraph (3), if” and inserting “IF”; in line 41, by striking “10” and inserting “20”; in line 43, by striking “10” and inserting “20”;

On page 8, by striking all in lines 3 through 9; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2091** be passed.

Committee on **Financial Institutions** recommends **HB 2092** be amended on page 2, in line 7, by striking “or” where it appears for the second time; in line 11, following the semicolon by inserting “or

(H) any fee charged that is a typical real estate closing cost, including escrow fees, settlement fees or title insurance premiums charged by a real estate title company licensed by the state;”;

Also on page 2, preceding line 22, by inserting the following:

“Sec. 2. (a) On and after the effective date of this act, any transfer fee covenant, as defined in section 1, and amendments thereto, is hereby declared to be against public policy and such covenant shall be void and unenforceable.

(b) The provisions of this section shall apply to any transfer fee covenant in existence on the effective date of this act.”;

And by renumbering the remaining section accordingly; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2185** be amended on page 1, in line 26, by striking “no one deposit amount exceeds” and inserting “the total cumulative amount of each deposit does not exceed”; in line 29, after “deposits” by inserting “shall not be treated as securities and”;

On page 4, in line 13, by striking “no one deposit amount exceeds” and inserting “the total cumulative amount of each deposit does not exceed”; in line 16, after “deposits” by inserting “shall not be treated as securities and”;

On page 5, in line 13, by striking “no one deposit amount exceeds” and inserting “the total cumulative amount of each deposit does not exceed”; by striking all in line 16 and inserting the following:

“Such deposits shall not be treated as securities and need not be secured as provided in this or any other act, except that such deposits shall be secured as provided in K.S.A. 75-4218, and amendments thereto, when they are held by the selected financial institution prior to placement with reciprocal institutions or upon maturity.

(e) The pooled money investment board shall establish procedures for administering reciprocal deposit programs in its investment policies, as authorized by K.S.A. 75-4232, and amendments thereto.”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2162** be amended on page 4, in line 12, by striking “\$200” and inserting “\$150”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2146** be passed.

Committee on **Transportation** recommends **HB 2147** be amended on page 1, in line 17, preceding “multilane” by inserting “any”; in line 18, by striking “state highway” and inserting “roadway”; in line 24, preceding the comma by inserting “or the transportation of hazardous material”; and the bill be passed as amended.

CHANGE OF REFERENCE

Speaker O’Neal announced the withdrawal of **HB 2292** from Committee on Judiciary and referral to Committee on Financial Institutions.

COMMITTEE ASSIGNMENT CHANGES

Rep. Lane is appointed to replace Rep. Ruiz on Committee on Federal and State Affairs; Rep. Swenson is appointed to replace Rep. Ruiz on Committee on Commerce and Labor. These appointments are for the week of February 9.

JOINT COMMITTEE ASSIGNMENTS

Joint Committee on Administrative Rules and Regulations: C. Holmes, Chairperson, Faber, Huebert, Patton; Pauls, Trimmer, Williams
Senate members: V. Schmidt, Vice-Chair; Brownlee, Ostmeyer; Lee, Steineger

Joint Committee on Arts and Cultural Resources: Horst, Chairperson; Gordon, Swanson; Carlin, Furtado
Senate members: Schendorf, Vice-Chair; Lynn, Umbarger; Faust-Goudeau, Francisco

Joint Committee on Children's Issues: Kiegerl, Chairperson; DeGraaf, Otto; Crow, Winn

Senate members: Lynn, Vice-Chair; Reitz Wagle; Haley, Faust-Goudeau

Joint Committee on Corrections and Juvenile Justice Oversight: Colloton, Chairperson; Craft, Grange, Patton; Henry, Pauls, Ward

Senate members: Brungardt, Vice-Chair; Brownlee, Bruce, Owens, Kelsey; Haley, Lee

Joint Committee on Economic Development: Gordon, Chairperson; Donohoe, George, Schwartz, Seiwert; Benlon, Slattery, Winn

Senate members: Wysong, Vice-Chair; Lynn, Marshall; Faust-Goudeau, Holland

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

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

Joint Committee on Health Policy Oversight: Landwehr, Vice-Chair; Bethell, Hill, Mast; Ruiz, Ward

Senate members: Barnett, Chairperson; V. Schmidt, Reitz, Colyer; Haley, Kelly

Joint Committee on Home and Community Based Services (HCBS) Oversight: Bethell, Vice-Chair, Landwehr, Mast; Henry, McCray-Miller

Senate members: McGinn, Chairperson; Umbarger; Kelly, Kultala

Joint Committee on Information Technology: McLeland, Chairperson; Burgess, Morrison; Dillmore, Lane

Senate members: Huelskamp, Vice-Chair; Petersen, V. Schmidt; Holland, Steineger

Joint Committee on Kansas Security: Goico, Chairperson; Johnson, Tafanelli; Loganbill, Menghini

Senate members: Emler, Vice-Chair, McGinn, Owens; Lee, Hensley

Legislative Post Audit: Peck, Chairperson; Grange, Mast; Sawyer, Burroughs

Senate members: Bruce, Vice-Chair; D. Schmidt, Umbarger; Hensley, Steineger

Joint Committee on Pensions, Investments and Benefits: Olson, Chairperson; Carlson, Huntington, Schwartz, Whitham; Flaharty, Swenson, Long

Senate members: Morris, Vice-Chair; Teichman, Emler; Kelly, Hensley

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

Senate members: Wagle, Chairperson; Bruce, Masterson, Pyle; Kultala

Joint Committee on State Building Construction: Pottorff, Chairperson; M. Holmes, Brunk Feuerborn, Grant

Senate members: Umbarger, Vice-Chair; Apple, Emler; Francisco, Kelly

Joint Committee on State-Tribal Relations: Knox, Vice-Chair; Rhoades, K. Wolf; Lukert, Sawyer

Senate members: Brungardt, Chairperson; Pyle, Vratil; Haley, Kultala

REPORT ON ENROLLED RESOLUTIONS

HR 6007, HR 6008 reported correctly enrolled and properly signed on February 10, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, February 11, 2009.

Journal of the House

TWENTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 11, 2009, 11:00 a.m.

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

The roll was called with 122 members present.

Reps. Rardin, Ruiz and Trimmer were excused on excused absence by the Speaker.

Prayer by guest chaplain, Father Brian Bebak, pastor, St. John's Catholic Church, El Dorado, and guest of Rep. Grange:

Heavenly Father,

We thank you for a wonderful new day. As we begin this new day, bless our legislators who have given their time and talent for the common good of the great state of Kansas. Bless their endeavors this day. Help them to always depend upon You for knowledge, wisdom, and the courage to do what is right. Help them to resist the pressures that would violate their conscience. Help them to remember to be good examples in their conduct to the fathers, mothers, sons and daughters of this great state and nation.

We ask this in your name. Amen.

The Pledge of Allegiance was led by Rep. Davis.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Grange are spread upon the journal:

Once again I stand before you, and I have the privilege and the honor of recognizing Butler Community College football team, a junior college football team that has excelled and achieved the highest honor possible. That honor is being the 2008 National Football Champions. They have achieved the distinction of being the first community college program in the U.S. to win two back-to-back national championships.

The first championship came in 1981. The first back-to-back came in 1998-1999. The fourth championship came in 2003. This back-to-back represents 2007-2008 — number five and number six. This program has participated in nine national title games (7 in the last 11 years). Twenty-one bowl games in last 26 years. This program has produced 68 All-Americans, 10 former athletes currently participate in the NFL or Canadian football league.

The program produces an average of two academic All-Americans annually. The team record since 1998 is 119-12 (.908). The head coach for the past nine years is Troy Morrell who has compiled a Jayhawk Conference record of 60-3, in region six play he is almost unbeatable with a 21-2 record. Troy played as a Grizzly and earned All-American honors as an offensive lineman. He earned his B.S. in physical education at Ft. Hays State.

The assistant coaches include Steve Braet, Tim Schaffner, Aaron Flores, Paige Anders, John Costlett, Max Mattox, Chris Jones, and Chad Knittner.

I have prepared House certificates for each participant of this team as well as one framed for the trophy case that states:

***Congratulations to Butler Community
College Grizzlies,
the NJCAA 2008 National Football Champions,
First Ever, Two-Time Back-to-Back National Champions***

The team is located in the gallery. You will soon be watching some of these fine athletes play on television. Please join me in congratulating the Butler Community College Grizzlies.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2324, An act concerning sales taxation; relating to exemptions; Kansas enterprise zone act; requirements for certain retail businesses; amending K.S.A. 2008 Supp. 74-50,115 and repealing the existing section, by Committee on Taxation.

HB 2325, An act concerning sales taxation; relating to countywide retailers sales tax; rate limitations; amending K.S.A. 2008 Supp. 12-189 and repealing the existing section, by Committee on Taxation.

HB 2326, An act concerning the transportation development district act; relating to creation of district; requirements; amending K.S.A. 2008 Supp. 12-17,142 and repealing the existing section, by Committee on Taxation.

HB 2327, An act concerning taxation upon cigarettes and tobacco products; relating to rates; creating the health reform fund; deposit of moneys therein; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2008 Supp. 79-3310, 79-3310c, 79-3311 and 79-3312 and repealing the existing sections, by Committee on Taxation.

HB 2328, An act concerning sales taxation; relating to exemptions; certain sales of school supplies, computers and clothing during sales tax holiday; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Aging and Long Term Care: **HB 2323**.

Judiciary: **HB 2322**.

Taxation: **HB 2321**.

CHANGE OF REFERENCE

Speaker pro tem Siegfried announced the withdrawal of **HB 2235** from Committee on Judiciary and referral to Committee on Corrections and Juvenile Justice.

MESSAGE FROM THE SENATE

Announcing passage of **SB 1, SB 16, SB 31, SB 33, SB 97, SB 131**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 1, SB 16, SB 31, SB 33, SB 97, SB 131.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6009—

By Representative Neighbor

A RESOLUTION commending and recognizing Gene Amos.

WHEREAS, Gene Amos has resided in Johnson County since 1945; and
WHEREAS, Gene Amos joined Rotary in 1952 and has served Rotary in many ways including service as Club President and District Governor; and

WHEREAS, Gene Amos is a charter member of the Shawnee Optimist Club, whose slogan is "Friend of Youth", and served in many ways, including being the club's first secretary-treasurer and later as District Governor; and

WHEREAS, Gene Amos was elected to the Shawnee Grade School Board of Education and served for 6 years prior to school district unification; and

WHEREAS, Gene Amos was elected to the Shawnee Mission Board of Education following unification and served from 1969 to 1975; and

WHEREAS, Gene Amos was elected to the Kansas House of Representatives and served three terms from 1987 to 1993; and

WHEREAS, Gene Amos has been “of service” to many business, civic, faith, fraternal, historical and patriotic organizations in Shawnee and Lenexa in numerous ways; and

WHEREAS, Gene Amos exemplifies Rotary’s two mottos: “Service above Self” and “He profits most who serves best” in all that he says and does; and

WHEREAS, Gene Amos, by example, instills in all whom he meets the value of service to others as a worthy pursuit: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize Gene Amos to be an outstanding citizen of Kansas and our country and as a role model for all who aspire to be “of service”.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HR 6004, A resolution adopting permanent rules of the House of Representatives for the 2009-2010 biennium, was considered on final action.

Call of the House was demanded.

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

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuetner, 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, Rhoades, Roth, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Rardin, Ruiz, Trimmer.

The resolution was adopted, as amended.

CONFERENCE COMMITTEE REPORT

Your committee on conference on House amendments to **SCR 1601**, submits the following report:

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

On page 5, in line 1, by striking all after “is”; in line 2, by striking all before the first “or” and inserting “an agree to disagree coupled with a request that a new conference committee be appointed”; in line 3, by striking all after “house”; by striking all in lines 4 through 12; in line 13, by striking all before the period and inserting “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”;

On page 7, in line 32, by striking “28” and inserting “25”;

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

CLARK SHULTZ

LANCE KINZER

TOM SAWYER

Conferees on part of House

STEPHEN R. MORRIS

DEREK SCHMIDT

ANTHONY HENSLEY

Conferees on part of Senate

On motion of Rep. Shultz, the conference committee report on **SCR 1601** was adopted.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, 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, Huntington, 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, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Otto.

Present but not voting: None.

Absent or not voting: Rardin, Ruiz, Trimmer.

EXPLANATION OF VOTE

MR. SPEAKER: I voted no on **SCR 1601** because if we can be provided an electronic conference committee report, then we should be provided a complete electronic bill.—BILL OTTO

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 **HB 2068**, **HB 2045** be passed.

Committee report to **HB 2111** be adopted; and the bill be passed as amended.

Committee report to **HB 2085** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2080** 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 **Corrections and Juvenile Justice** recommends **HB 2236** be amended on page 3, in line 25, by striking “phenylacetone” and inserting “phencyclidine”;

On page 8, in line 34, by striking “Unlawful” and inserting “Unlawfully”;

On page 33, in line 11, by striking “a” and inserting “any”; also in line 11, after “substance” by inserting “or controlled substance analog”; in line 15, by striking “a” and inserting “any”; also in line 15, after “substance” by inserting “or controlled substance analog”;

On page 56, in line 38, by striking “3” and inserting “6”; in line 43, by striking “3” and inserting “6”;

On page 57, in line 32, by striking “production,”; also in line 32, by striking “delivery” and inserting “distribution”; in line 34, by striking “production,”; also in line 34, by striking “delivery” and inserting “distribution”; in line 36, by striking “sale” and inserting “distribution”; in line 40, by striking “sale” and inserting “distribution”;

On page 58, in line 8, by striking “production,”; also in line 8, by striking “delivery” and inserting “distribution”; in line 11, by striking “intent to sell, which were sold or were offered for sale” and inserting “the intent to distribute or which were distributed or offered for distribution”; in line 13, by striking “sell, deliver or”; also in line 13, by striking “sold” and inserting “distributed”; in line 14, by striking “sale” and inserting “distribution”; in line 36, by striking “3” and inserting “6”; in line 40, by striking “17” and inserting “16”;

On page 59, in line 3, by striking “17” and inserting “16”;

On page 67, in line 40, after “substance” by inserting “or controlled substance analog”;

On page 68, in line 6, after the first comma by inserting “prior to its repeal or section 9 or 10,”;

On page 93, in line 31, after “for” by inserting “unlawfully”; also in line 31, after “obtaining” by inserting “or distributing”; also in line 31, by striking all after “drug”;

On page 109, in line 9, after “65-4168a,” by inserting “65-7006,”;

On page 1, in the title, in line 21, by striking “and” and inserting a comma; in line 22, before the period by inserting “and 65-7006”; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 14** be passed.

Committee on **Higher Education** recommends **HB 2004**, **HB 2007** be passed.

Committee on **Higher Education** recommends **HB 2003** be amended on page 7, in line 28, by striking “vocational” and inserting “career technical”;

On page 10, in line 10, by striking “job training partnership” and inserting “workforce investment”; 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 2329, An act concerning accident and health insurance; relating to claims for procedures approved by the federal food and drug administration, by Committee on Appropriations.

HB 2330, An act concerning property taxation; relating to classification; residential real property used for bed and breakfast home purposes; amending K.S.A. 2008 Supp. 79-1439 and repealing the existing section, by Committee on Appropriations.

HB 2331, An act concerning investment of state moneys; relating to the state treasurer; amending K.S.A. 2-3705 and K.S.A. 2008 Supp. 75-4272 and 75-4280 and repealing the existing sections, by Committee on Appropriations.

In accordance with Joint Rules of the Senate and House of Representatives, pursuant to Joint Rule 4(d), the Select Committee on KPERs is designated as an exempt committee.

REPORT ON ENGROSSED BILLS

HB 2026 reported correctly engrossed February 5, 2009.

REPORT ON ENROLLED RESOLUTIONS

HCR 5002 reported correctly enrolled and properly signed on February 10, 2009.

HR 6001 reported correctly enrolled and properly signed on February 11, 2009.

On motion of Rep. Mast, the House adjourned until 11:00 a.m., Thursday, February 12, 2009.

Journal of the House

TWENTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 12, 2009, 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. Morrison was excused on verified illness.
Reps. Lane and Ruiz were excused on excused absence by the Speaker.
Rep. George was excused later on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord,
Today I pray for balance for our leaders.
Balance to stand strong for conviction,
but know when it's okay to bend.
Balance of knowing how much to save
and knowing how much to spend.
Balance in extending compassion,
but requiring guidelines and discipline.
Balance in keeping up with the
responsibilities of this duty,
and quality time with family and friends.
And balance in cheering for our
Kansas teams on Saturday.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. DeGraaf.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Economic Development and Tourism: **SB 1**.
Health and Human Services: **SB 16, SB 31, SB 33**.
Higher Education: **SB 131**.
Insurance: **HB 2329**.
Taxation: **HB 2324, HB 2325, HB 2326, HB 2327, HB 2328, HB 2330; SB 97**.
General Government Budget: **HB 2331**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 11** from Committee on Education Budget and referral to Committee on Higher Education.

Also, the withdrawal of **HB 2094** from Committee on Appropriations and referral to Committee on Aging and Long Term Care.

Also, the withdrawal of **HB 2124** from Committee on Local Government and referral to Committee on Federal and State Affairs.

Also, the withdrawal of **HB 2139** from Committee on Judiciary and referral to Committee on Corrections and Juvenile Justice.

Also, the withdrawal of **HB 2310** from Committee on Insurance and referral to Committee on Aging and Long Term Care.

Also, the withdrawal of **HB 2315** from Committee on Judiciary and referral to Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **SB 26, SB 61, SB 66, SB 70, SB 73, SB 91.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 26, SB 61, SB 66, SB 70, SB 73, SB 91.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Neighbor, **HR 6009**, A resolution commending and recognizing Gene Amos, was adopted.

There being no objection, the following remarks of Reps. Neighbor and Benlon are spread upon the journal:

It is an honor and a privilege for Rep. Quigley, Rep. Benlon, and myself to stand before you and ask for your support for **HR 6009**.

First I would ask Rep. Benlon to speak.

I am honored to stand here today to talk about my friend, former State Representative Gene Amos.

Gene is a true humanitarian in many walks of life, but I'm only going to talk about him as a legislator in Topeka.

I had the privilege of serving with Gene. He and I shared district boundaries. Although I thought myself to be rather conservative when I initially came to the legislature, Gene was a little more so. Gene sat directly in front of me on the House floor. We voted the same on most bills, but I noticed one day during final action that Gene was moving to the right and looking back behind him. I eventually realized what he was doing . . . he was offering to show me how he was voting. He was too much of a gentleman to directly tell me he thought I was voting wrong. Instead, he was hoping I would notice the colored light on his desk.

Before retiring, Gene made his living as a funeral director. He would occasionally tease as to whether he needed to pass out his business card if someone were to appear lifeless in committee. Former Representative Blumenthal was asleep on a couch that was once back by the men's restroom. Gene walked over to take his pulse—stating he was looking for a new client. This is an example of Gene's sense of humor.

Gene came into the House at the same time as Frank Weimer, another gentleman from Johnson County. They both served 6 years (1986-1992) and they retired together. They shared an apartment and found they had a lot in common. Their wives became great friends. As we all know one of the nice things about being in the legislature is the social events. Gene taught Frank everything he needed to know about how to get to the social early, eat all they could, and then hurry to the next one. One evening they attended five separate receptions.

Gene and Frank were two peas in a pod. They originated several social bashes and billed them as the "Sometimes Annual Amos/Weimer Rib Feed". Being frugal, they found a few lobbyists to supply the ribs and trimmings. The lobbyists got into the spirit to the point where they would drive all the way to Williamsburg to pick up the ribs and get them back to Topeka while they were still hot. The purpose of the Rib Feed was to bring western Kansas legislators and eastern Kansas legislators together for an evening of great fun.

They were always up to something. You've all see the movie Grumpy Old Men? Well neither Gene nor Frank are grumpy, and they love one another like brothers, but if there ever was an opportunity to tease one another, the stone was never left unturned.

But, on a serious note . . . I had been thinking all week about what I wanted to say about Gene, so those of you who don't know him could see the man he is—he is one of a kind. I asked Frank what he would say. I'd like to take credit for this, but they are Frank's words and I second his comments. Frank said, "There isn't another man on this earth I

respect more than Gene Amos. His honor, his generosity, and his integrity are of the highest order—he is truly one of God’s Gentlemen.”

And I am honored to call Gene Amos my friend.

Thank you Rep. Benlon. Mr. Gene Amos is a gentleman who never knew a stranger. He is a pillar in our community and an individual who knows more history about Shawnee than any one individual I know. He and his son, Gregg Amos, are the first father/son members to have served on the Shawnee Mission School Board.

When I first thought about seeking office, I went to see Mr. Amos for guidance. Because he had served as my representative from 1987 to 1993, there was no better person to listen and learn from. As usual, he was very humble, answered my questions, we laughed a little, and I left with the hope that I could serve as his representative with the level of honesty, integrity, character and respect I had just experienced. We have continued that friendship and I speak with my mentor every opportunity I have.

But there is more about Mr. Amos that I would like to share with you and with that Mr. Speaker, I would like to move the following **HR 6009** (then Rep. Neighbor read the resolution to the members of the House).

Accompanying Mr. Amos to the House were his wife, Margaret; and also Gregg Amos, Amy Ruo, John Ruo, Philip Ruo, Toni Ruo, Joni Pflumm and Mona Upton.

Rep. Quigley presented Mr. Amos with a framed House Certificate.

CONSENT CALENDAR

No objection was made to **HB 2080** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2045, An act designating bridge no. 85 on United States highway 166 in Labette county as the veterans memorial bridge, 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, 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, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, 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, Rhoades, Roth, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: George, Lane, Morrison, Ruiz.

The bill passed.

HB 2068, An act concerning real estate brokers and salespersons; relating to licensure; amending K.S.A. 2008 Supp. 58-3035, 58-3046a, 58-3050, 58-3062, 58-3080, 58-3082, 58-3083, 58-3084, 58-3085 and 58-3086 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, 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, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson,

Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, King, 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, Rhoades, Roth, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Kiegerl, Kinzer.

Present but not voting: None.

Absent or not voting: George, Lane, Morrison, Ruiz.

The bill passed.

HB 2085, An act concerning veterans; relating to the Kansas commission on veterans affairs; pertaining to the veterans claims assistance program; the veterans claims assistance advisory board; amending K.S.A. 2008 Supp. 73-1234 and 73-1235 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, 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, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, 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, Rhoades, Roth, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: George, Lane, Morrison, Ruiz.

The bill passed, as amended.

HB 2111, An act concerning the Kansas commission on judicial performance; relating to sunset provisions; amending K.S.A. 20-3201 and K.S.A. 2008 Supp. 20-367, 28-172a, 59-104, 60-1621, 60-2001, 61-2704 and 61-4001 and repealing the existing sections, 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, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, 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, Huntington, Jack, Johnson, Kerschen, King, Kinzer, Kleeb, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Sawyer, Schroeder, Schwab, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Brunk, Donohoe, Faber, Huebert, Kelley, Kiegerl, Knox, Landwehr, Mast, Neufeld, Schwartz, Siegfried, Vickrey, Watkins.

Present but not voting: None.

Absent or not voting: George, Lane, Morrison, Ruiz.

The bill passed, as amended.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 23**, 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 Substitute for Senate Bill No. 23, as printed with House Committee of the Whole amendments, as follows:

On page 7, by striking all in lines 30 through 41;

On page 17, in line 14, by striking "\$19,955" and inserting "\$28,159"; in line 19, by striking "\$141,745" and inserting "\$199,546"; in line 24, by striking "\$1,757,495" and inserting "\$2,180,858"; in line 42, by striking "\$50,000" and inserting "\$81,250";

On page 18, in line 19, by striking "\$1,830,921" and inserting "\$798,172";

On page 19, following line 41, by inserting the following material to read as follows:

"(l) During the fiscal year ending June 30, 2009, the executive director of the Kansas commission on veterans affairs, 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, 2009, from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs to another item of appropriation for fiscal year 2009 from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs 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.

(m) (1) During the fiscal year ending June 30, 2009, notwithstanding the provisions of K.S.A. 73-1231, 73-1906, 73-1953 or 75-3728g, and amendments thereto, or K.S.A. 2008 Supp. 73-1233, and amendments thereto, or any other statute, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs to another special revenue fund of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs 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.

(2) As used in this subsection (m), "special revenue fund" means the soldiers' home fee fund, veterans' home fee fund, soldiers' home outpatient clinic fund, soldiers' home benefit fund, soldiers' home work therapy fund, veterans' home canteen fund, veterans' home benefit fund, Persian Gulf War veterans health initiative fund, state veterans cemeteries fee fund, state veterans cemeteries donations and contributions fund, and Kansas veterans memorials fund.

(n) (1) During the fiscal year ending June 30, 2009, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget and subject to the applicable restrictions and limitations or other provisions of federal grant agreements, may transfer moneys received under a federal grant that are credited to a federal fund of the Kansas commission on veterans affairs to another federal fund of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs 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.

(2) As used in this subsection (n), "federal fund" means the VA burial reimbursement fund—federal, veterans home federal fund, soldiers home federal fund, commission on veterans affairs federal fund, and outpatient clinic patient federal reimbursement fund—federal.";

On page 21, by striking all in lines 15 through 43;

On page 22, by striking all in lines 1 through 6; in line 31, by striking "\$11,755" and inserting "\$195,924"; by striking all in lines 33 through 37; in line 42, by striking "\$13,741" and inserting "\$229,011"; by striking all in line 43;

On page 23, by striking all in lines 1 through 4;

And by relettering the subsections accordingly;

On page 26, in line 35, by striking “\$242,324” and inserting “\$222,124”;

On page 27, by striking all in lines 13 through 22; in line 23, by striking “(n)” and inserting “(l)”;

On page 28, in line 1, by striking “\$12,538,435” and inserting “\$6,538,435”; in line 6, by striking “\$198,736” and inserting “\$72,004”;

On page 29, in line 30, by striking “\$3,200” and inserting “\$5,200”; by striking all in lines 32 through 43;

On page 30, by striking all in lines 1 through 33;

On page 31, in line 24, by striking “\$16,804” and inserting “\$8,305”;

On page 32, in line 4, by striking “\$104,040” and inserting “\$100,000”; by striking all in lines 5 through 19;

On page 35, in line 14, by striking “\$12,000” and inserting “\$19,500”;

On page 36, in line 16, by striking “\$480” and inserting “\$8,000”; by striking all in lines 40 through 43;

On page 37, by striking all in lines 1 through 11, and inserting the following material to read as follows:

“(e) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

Wichita center for graduate medical education \$2,900,000”;

Also on page 37, in line 28, by striking “\$200,082” and inserting “\$325,133”; in line 33, by striking “\$100,000” and inserting “\$162,500”;

On page 39, in line 11, by striking “\$102,600” and inserting “\$166,725”; in line 16, by striking “\$9,931” and inserting “\$16,137”;

On page 42, by striking all in lines 2 through 11;

On page 46, in line 26, by striking “\$1,731” and inserting “\$28,849”; in line 31, by striking “\$720” and inserting “\$12,000”; in line 36, by striking “\$7,000” and inserting “\$49,463”;

On page 47, in line 8, by striking “\$2,744” and inserting “\$4,459”; in line 25, by striking “\$46,758” and inserting “\$322,092”; in line 30, by striking “\$47,013” and inserting “\$783,542”; in line 35, by striking “\$14,077” and inserting “\$234,623”; by striking all in lines 36 through 40;

On page 48, in line 2, by striking “\$5,448” and inserting “\$90,802”; in line 7, by striking “\$3,639” and inserting “\$60,650”; by striking all in lines 8 through 12;

And by relettering subsections accordingly;

Also on page 48, in line 17, by striking “\$73,685” and inserting “\$1,228,078”; in line 22, by striking “\$18,446” and inserting “\$307,427”; in line 34, by striking “\$10,802” and inserting “\$180,035”; by striking all in lines 35 through 43;

On page 49, by striking all in line 1; in line 6, by striking “\$9,494” and inserting “\$158,230”; in line 11, by striking “\$1,458” and inserting “\$24,300”; by striking all in lines 12 through 21; in line 25, by striking “\$1,200” and inserting “\$20,000”; by striking all in lines 27 through 31;

And by relettering subsections accordingly;

On page 50, in line 4, by striking “\$480” and inserting “\$8,000”; in line 39, by striking “\$2,880,000” and inserting “\$2,805,000”;

On page 52, in line 36, by striking “\$878,241” and inserting “\$802,141”; by striking all in lines 37 through 43;

And by relettering subsections accordingly;

On page 53, in line 14, by striking “\$40,910,154” both times it appears and inserting “\$39,000,000”; in line 19, by striking “\$40,910,154” and inserting “\$39,000,000”;

On page 55, in line 3, by striking “or before”; in line 4, by striking “February 15, 2009” and inserting “March 2, 2009, and on June 1, 2009”;

On page 56, in line 29, following “that” by inserting “(A)”; in line 33, preceding the period by inserting “, and (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 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 June 1, 2009”;

On page 57, in line 26, by striking “96.0%” and inserting “93.5%”; in line 28, by striking “96.0%” and inserting “93.5%”; in line 30, by striking “96.0%” and inserting “93.5%”; in line 32, by striking “96.0%” and inserting “93.5%”; in line 33, by striking “96.0%” and inserting “93.5%”;

On page 58, in line 38, by striking “or before February 15, 2009” and inserting “March 2, 2009, and on June 1, 2009”;

On page 60, in line 14, following “that” by inserting “(A)”; in line 18, preceding the period by inserting “, and (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 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 June 1, 2009”;

On page 61, in line 13, by striking “96.0%” and inserting “93.5%”; in line 14, by striking “96.0%” and inserting “93.5%”; in line 16, preceding “aggregate” by inserting “amount equal to 93.5% of the”; in line 18, by striking “96.0%” and inserting “93.5%”; in line 19, by striking “96.0%” and inserting “93.5%”; in line 41, by striking “\$4,830,558.72” and inserting “\$3,330,543.50”;

On page 62, in line 1, preceding the period by inserting “; and (4) notwithstanding the provisions of K.S.A. 79-3425c and 75-3425i, 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 county, \$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”; in line 29, by striking “\$859,000” and inserting “\$849,000”;

On page 63, in line 6, by striking “\$48,000,000” and inserting “\$48,059,846”; in line 11, by striking “\$48,000,000” and inserting “\$48,059,846”; in line 28, by striking “\$5,760,000” and inserting “\$2,000,000”; in line 30, by striking “\$5,760,000” and inserting “\$2,000,000”;

On page 64, in line 3, by striking “1.0%” and inserting “1.25%”;

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

KEVIN YODER
 JASON P. WATKINS
 BILL FEUERBORN
Conferees on part of House

JAY SCOTT EMLER
 JOHN VRATIL
 LAURA KELLY
Conferees on part of Senate

On motion of Rep. Yoder, the conference committee report on **H. Sub. for Sub. SB 23** was adopted.

On roll call, the vote was: Yeas 70; Nays 51; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Bethell, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleebe, Knox, Landwehr, Light, Long, Mast, McLeland, Merrick, Moxley, Myers, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafaneli, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bowers, T. Brown, Burroughs, Carlin, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Johnson, Kuetner, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Neufeld, Otto, Palmer, Pauls, Peterson, Phelps, Rardin, Sawyer, Schwartz, Slattery, Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: George, Lane, Morrison, Ruiz.

EXPLANATIONS OF VOTE

MR. SPEAKER: I beg to disagree with Chairman Yoder. A "no" vote is not the easy vote. There are direct benefits to my district in the bill. But this bill bankrupts nearly fifty school districts and eliminates the safety net for many more. It puts public safety at risk, all unnecessarily. We do *not* have to make cuts this deep to be responsible. We can protect those most at risk, keep the school safety net and be fiscally responsible. I vote no on **H. Sub. for Sub. SB 23**.—ANN MAH

MR. SPEAKER: I vote yes to adopt the conference committee report on **H. Sub. for Sub. SB 23**. We must do everything we can to protect education while asking our state agencies to do more with less. This compromise meets that goal while making tough but responsible expenditure adjustments.—JOE SEIWERT

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 **HB 2097**, **HB 2091**, **HB 2096** be passed.

SCR 1604 be adopted.

Committee report to **HB 2185** be adopted; and the bill be passed as amended.

Committee report to **HB 2092** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2081** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2081," as follows:

"Substitute for HOUSE BILL No. 2081

By Committee on Agriculture and Natural Resources

"AN ACT concerning milk and dairy products; relating to certain fees fixed by the secretary of agriculture; amending K.S.A. 2008 Supp. 65-771, 65-778 and 65-781 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2081** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2099** be amended on page 1, in line 38, after the period by inserting the following:

"(e) (1)";

Also in line 38, by striking "this paragraph" and inserting "subsection (d)(2)";

On page 2, in line 1, by striking "(3)" and inserting "(2)"; in line 2, by striking "based upon a fail."; by striking all in line 3; in line 4, by striking all before the period and inserting "by the defendant"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2001**, **HB 2102**, **HB 2103** be passed.

Committee on **Elections** recommends **HB 2193** be passed.

Committee on **Elections** recommends **HB 2066** be amended on page 1, in line 27, after “and” by inserting “either the voter’s photograph or the voter’s current residential”; in line 39, after “and” by inserting “either the voter’s photograph or the voter’s current residential”;

On page 2, in line 1, after “and” by inserting “either the voter’s photograph or the voter’s current”;

On page 5, in line 25, after “my” by inserting “current”; also in line 25, after “and” by inserting “either my photograph or my”;

On page 6, in line 6, after “my” by inserting “current”; also in line 6, after “and” by inserting “either my photograph or my”; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2244** be amended on page 1, in line 13, by striking “person” and inserting “candidate”; in line 14, by striking “\$1,000” and inserting “\$5,000”; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2115** 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 **HB 2221** be amended on page 2, in line 2, after “that” by inserting “prohibition of”; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2079, HB 2172** be passed.

Committee on **Transportation** recommends **HB 2131** be passed.

REPORT OF STANDING COMMITTEE

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

Request No. 30, by Representative John Grange, congratulating the Butler County Community College Football Team and coaching staff for winning the 2008 NJCAA championship;

Request No. 31, by Representative John Grange, congratulating Gordon “Sonny” and Joan Clark on their 50th Wedding Anniversary;

Request No. 32, by Representative Dan Kerschen, congratulating St. Paul’s Lutheran Church on 125 years of ministry;

Request No. 33, by Representative Richard Carlson, congratulating Harold and Ramona Tessendorf on their 50th wedding anniversary;

Request No. 34, by Representative Melody McCray-Miller, congratulating Tyler Robert Johnson, on becoming an Eagle Scout;

Request No. 35, by Representative J. David Crum, congratulating Emily Deaver as Miss Kansas 2009;

Request No. 36, by Representative Jim Morrison, commending C.H. HSU, M.D., F.A.C.S. for thirty-four years of Urologic Practice;

Request No. 37, by Representatives Neighbor, Benlon and Quigley, commending former State Representative Gene Amos for his service to his local community through Rotary, as a school board member and representative for the State of Kansas, district #18;

Request No. 38, by Representative Knox, commending John Bilby for his many years of dedication and volunteer service as head basketball coach of Chanute Christian Academy;

Request No. 39, by Representative Wolf, commending Andrew Wayne Mitchener on becoming an 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 2332, An act concerning crimes, punishment and criminal procedure; amending K.S.A. 9-2012, 12-4419, 12-4509, 16-305, 17-12a508, 17-1311a, 19-3519, 21-2501, 21-2511,

21-3301, 21-3302, 21-3303, 21-3411, 21-3413, 21-3414, 21-3415, 21-3421, 21-3435, 21-3436, 21-3437, 21-3447, 21-3451, 21-3608a, 21-3609, 21-3701, 21-3704, 21-3707, 21-3710, 21-3718, 21-3720, 21-3729, 21-3734, 21-3761, 21-3763, 21-3812, 21-3826, 21-3846, 21-3902, 21-3904, 21-3905, 21-3910, 21-4018, 21-4105, 21-4111, 21-4203, 21-4204, 21-4226, 21-4232, 21-4318, 21-4502, 21-4503a, 21-4603d, 21-4611, 21-4638, 21-4643, 21-4703, 21-4706, 21-4707, 21-4709, 21-4710, 21-4711, 21-4713, 21-4717, 21-4720, 21-4722, 21-4729, 22-2512, 22-2515, 22-2802, 22-2908, 22-2909, 22-3303, 22-3412, 22-3604, 22-3901, 22-4405, 22-4903, 22-4906, 36-601, 36-604, 39-720, 41-405, 47-421, 58-3315, 60-427, 65-2859, 65-4102, 65-4127c, 65-4139, 65-5709, 65-6a40, 75-4228, 75-4314 and 79-5201 and K.S.A. 2008 Supp. 8-2.128, 8-1567, 9-2203, 12-4104, 21-3412a, 21-3419a, 21-3705, 21-3811, 21-4310, 21-4619, 21-4704, 21-4705, 21-4714, 22-3716, 22-3717, 22-4902, 38-2255, 38-2346, 38-2347, 38-2369, 38-2374, 38-2376, 38-2377, 39-717, 40-247, 40-2.118, 40-5013, 44-5.125, 44-619, 44-706, 44-719, 47-1827, 59-2132, 59-29b46, 60-4104, 65-516, 65-3235, 65-3236, 65-4167, 72-1397, 72-5445, 72-89c01 74-9101, 75-7c04, 75-5291, 75-52.144, 76-11a13, 79-15.235 and 79-3228 and repealing the existing sections; also repealing K.S.A. 21-4214, 21-4215, 21-4705, 21-4708, 21-4724, 65-4105a, 65-4127d, 65-4141, 65-4142, 65-4155, 65-4158, 65-4164 and 65-4165 and K.S.A. 2008 Supp. 21-4705, 65-4150, 65-4151, 65-4152, 65-4153, 65-4159, 65-4159a, 65-4160, 65-4161, 65-4162, 65-4163, 65-4166, 65-4168, 65-4168a and 65-7006, by Committee on Federal and State Affairs.

HB 2333, An act concerning crimes and punishment; creating the crime of use of a controlled substance endangering a child, by Committee on Federal and State Affairs.

HB 2334, An act concerning crimes, punishment and criminal procedure; relating to sentencing; amending K.S.A. 21-4720 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2335, An act concerning crimes, punishment and criminal procedure; relating to domestic violence; amending K.S.A. 20-369, 21-4603d, 22-2307, 22-2401, 22-3210 and 60-3107 and K.S.A. 2008 Supp. 12-4104, 21-3110, 21-4704, 72-1397, 72-5445 and 74-5602 and repealing the existing sections; also repealing K.S.A. 21-3412a, by Committee on Federal and State Affairs.

HB 2336, An act concerning sales taxation; relating to exemptions; MidAmerica Minority Business Development Council; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2337, An act concerning sales taxation; relating to exemptions; Kansas legal services, inc.; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2338, An act concerning schools; relating to personal financial literacy courses; amending K.S.A. 2008 Supp. 72-7535 and repealing the existing section, by Committee on Taxation.

HB 2339, An act concerning accountants; relating to licensure, examination, registration and peer review; amending K.S.A. 1-307, 1-315 and 1-322 and K.S.A. 2008 Supp. 1-301, 1-302b, 1-308, 1-310, 1-311, 1-312, 1-316, 1-321 and 1-501 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2340, An act concerning parole; abolishing the Kansas parole board; creating the prisoner review board within the Kansas department of corrections; transferring the powers, duties and functions of the Kansas parole board; amending K.S.A. 22-3701, 22-3706, 22-3709, 22-3710, 22-3711, 22-3712, 22-3718, 22-3719, 22-3720, 22-3722, 22-3726 and 22-3728 and K.S.A. 2008 Supp. 22-3717 and repealing the existing sections; also repealing K.S.A. 22-3707, 22-3707a, 22-3708 and 22-3713, by Committee on Appropriations.

HB 2341, An act concerning state agencies; relating to expenditures thereof, by Committee on Appropriations.

HB 2342, An act concerning deer; relating to the taking thereof, by Committee on Appropriations.

HB 2343, An act concerning the licensure of professional nurses and practical nurses; amending K.S.A. 65-1115 and 65-1116 and repealing the existing sections, by Committee on Appropriations.

HB 2344, An act relating to insurance; providing reimbursement for certain dietary formulas; amending K.S.A. 2008 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Appropriations.

HB 2345, An act relating to insurance; concerning life insurance; valuation of policies; reserves; amending K.S.A. 2008 Supp. 40-409 and repealing the existing section, by Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGE

Rep. Meier is appointed to replace Rep. Frownfelter on Committee on Taxation for Monday, February 16 only.

REPORT ON ENGROSSED BILLS

HB 2085, HB 2111 reported correctly engrossed February 11, 2009.

REPORT ON ENGROSSED RESOLUTIONS

Sub. HR 6004 reported correctly engrossed February 11, 2009.

REPORT ON ENROLLED RESOLUTIONS

HCR 5001 reported correctly enrolled and properly signed on February 12, 2009.

On motion of Rep. Merrick, the House adjourned pro forma until 10:00 a.m., Friday, February 13, 2009.

Journal of the House

TWENTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 13, 2009, 10:00 a.m.

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2342**.

Appropriations: **SB 73**.

Commerce and Labor: **HB 2339; SB 91**.

Corrections and Juvenile Justice: **HB 2332, HB 2333, HB 2334, HB 2335, HB 2340; SB 26**.

Education: **HB 2338**.

Health and Human Services: **HB 2343, HB 2344**.

Insurance: **HB 2345**.

Judiciary: **SB 61, SB 66, SB 70**.

Taxation: **HB 2336, HB 2337**.

General Government Budget: **HB 2341**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2253, HB 2282** from Committee on Local Government and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2283** from Committee on Agriculture and Natural Resources and referral to Committee on Appropriations.

MESSAGE FROM THE GOVERNOR

February 4, 2009

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

Enclosed herewith is Executive Directive No. 09-395 for your information.

EXECUTIVE DIRECTIVE No. 09-395

Authorizing Expenditure of Federal Funds

KATHLEEN SEBELIUS
Governor

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

MESSAGES FROM THE SENATE

The Senate adopts conference committee report on **SCR 1601**.

Also, announcing passage of **SB 55, SB 56, SB 62, SB 68, SB 71, SB 95, SB 98, SB 118, SB 126**.

Announcing passage of **HB 2026**.

Also, announcing passage of **SB 161**.

The Senate adopts conference committee report on **H. Sub. for Sub. SB 23**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 55, SB 56, SB 62, SB 68, SB 71, SB 95, SB 98, SB 118, SB 126, SB 161.

REPORTS OF STANDING COMMITTEES

Committee on **Energy and Utilities** recommends **HB 2014** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2014," as follows:

"Substitute for HOUSE BILL No. 2014

By Committee on Energy and Utilities

"AN ACT concerning energy; relating to conservation and efficiency; electric generation and transmission and air emissions; amending K.S.A. 19-101a, 55-1,117, 65-3012 and 66-104d and K.S.A. 2008 Supp. 65-3005, 65-3008a, 66-1,184, 74-99d07 and 74-99d14 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2014** was thereupon introduced and read by title.)

REPORT ON ENGROSSED BILLS

HB 2092, HB 2185 reported correctly engrossed February 12, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, February 16, 2009.

Journal of the House

TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 16, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 125 members present.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
Thank you for a couple days of rest,
be with us this week
as we attempt to do our best.
We each have a way in which we think
how best to handle an economy
that appears on the brink.
Health, education, energy and commerce,
each have speeches long rehearsed.
Each call out for us to come near
with words of persuasion for us to hear.
But, Lord, as the Psalmist we call out today
"Teach *us* your way . . .
we will walk in Your truth;
give *us* an undivided heart
that *we* may fear your name."
(Ps. 85:11)

In Your Son's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Kuether.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Education: **SB 161**.

Elections: **SB 55, SB 56, SB 71, SB 118**.

Health and Human Services: **SB 62**.

Insurance: **SB 126**.

Judiciary: **SB 68, SB 95**.

Taxation: **SB 98**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Mast, **HR 6010**, by Rep. Mast, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6010—

A RESOLUTION recognizing and congratulating the renewal of Wolf Creek Nuclear Operating Corporation's license.

WHEREAS, On November 20, 2008, the Nuclear Regulatory Commission approved Wolf Creek's application for a renewed license for the Wolf Creek Generating Station; and

WHEREAS, Wolf Creek Generating Station has been providing Kansas with energy since June 4, 1985; and

WHEREAS, Wolf Creek's original 40-year license was scheduled to expire in 2025 and the renewed operating license allows the station to operate an additional 20 years until 2045; and

WHEREAS, Wolf Creek is the 50th nuclear power unit among the nation's 104 licensed plants to receive a license renewal; and

WHEREAS, Wolf Creek has been, and continues to be, a reliable, safe source of electricity for all of its customers; and

WHEREAS, According to a 2006 study conducted by the Nuclear Energy Institute, Wolf Creek has had a positive impact on the economy for both Coffey County and the state of Kansas, contributing \$165 million annually to the local and state economy in the form of payroll, purchases and taxes; and

WHEREAS, This renewed operating license ensures that Wolf Creek will continue to be an important part of Kansas' energy portfolio: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we do hereby recognize and congratulate the Wolf Creek Nuclear Operating Corporation for receiving a renewal of its operating license, enabling it to continue to serve the energy needs of Kansas for years to come.

Rep. Mast introduced Rick Muench, President and CEO, Wolf Creek Nuclear Operating Corporation (WCNOC); Warren Wood, General Counsel, WCNOC; Bill Moore, President and CEO, Westar Energy; and Steve Parr, President and CEO, Kansas Electric Power Cooperative, Inc. and addressed the following remarks to the members of the House:

Wolf Creek generating station in Coffey County is a cooperative venture by KCPL, Westar Energy and Kansas Electric Power Cooperative Inc. The Wolf Creek Nuclear Operating Corporation operates the facility.

This facility provides energy, jobs, labor income and tax revenues to the people in the state of Kansas. The operation of the plant and the secondary effects account for 2,014 jobs in Kansas., and \$129.3 million dollars in earnings. The plant and its related economic activity resulted in almost \$30 million in state and local tax payments.

Wolf Creek provided more than 10 million megawatt hours of electricity in 2004 or approximately 19 percent of the electricity needs of Kansas. The energy is less expensive than the average production cost for the rest of the regional market. As a matter of fact, Wolf Creek furnishes the least expensive form of energy in Kansas.

This plant has raised a record-setting \$167,886 in charitable giving in one year and participates in the United Way and the United Way Day of Caring each year.

The company also works to educate and inform the public about the plant and nuclear energy. Wolf Creed generating station in Coffey County has proven to be a real benefit to the people in Kansas.

CONSENT CALENDAR

Objection was made to **HB 2080** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2115** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2091, An act relating to manufactured housing; concerning modular homes; amending K.S.A. 58-4203 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2092. An act relating to real property; prohibiting certain transfer fee covenants, was considered on final action.

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

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Kinzer, Landwehr.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2096. An act concerning crimes and punishment; relating to electronic solicitation; amending K.S.A. 21-3523 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2097. An act concerning criminal procedure; relating to jury selection; alternate or additional jurors; amending K.S.A. 22-3412 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2185. An act relating to public moneys; concerning reciprocal deposit programs; amending K.S.A. 9-1407 and K.S.A. 2008 Supp. 12-1675 and 75-4237 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, 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, 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, Huntington, Jack, Johnson, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Lane, Watkins.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SCR 1604. A concurrent resolution encouraging the Kansas State Historical Society to develop a plan to commemorate the sesquicentennial of the admission of Kansas to the Union, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The resolution was adopted.

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 2039**, **HB 2059**, **HB 2004** be passed.

On motion of Rep. S. Gatewood to amend **HB 2007**, the motion did not prevail and the bill be passed.

Committee report to **HB 2003** be adopted; and the bill be passed as amended.

Committee report to **HB 2147** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2050** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2050," as follows:

"Substitute for HOUSE BILL No. 2050

By Committee on Agriculture and Natural Resources

"AN ACT concerning water; relating to certain fees and disbursement thereof; concerning certain water permits; amending K.S.A. 2008 Supp. 82a-708a, 82a-708b, 82a-714 and 82a-727 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2050** was thereupon introduced and read by title.)

Committee on **Commerce and Labor** recommends **HB 2260** be amended on page 1, by striking all in lines 16 through 42;

And by renumbering the remaining sections accordingly;

On page 3, in line 11, by striking all after "(3)"; by striking all in lines 12 and 13; in line 14, by striking "(4)";

And by renumbering the remaining paragraphs accordingly;

On page 4, in line 28, after the period by inserting "The chairperson must be a registered home inspector.";

On page 6, in line 25, by striking all after "(4)"; by striking all in lines 26 through 28; in line 29, by striking "(5)";

And by renumbering the remaining paragraphs accordingly;

On page 8, in line 36, before the semicolon, by inserting "unless the applicant has been actively engaged as a home inspector as defined in K.S.A. 2008 Supp. 58-4502, and amendments thereto, and met the requirements of clause (i) or clause (ii) of subparagraph (B) of paragraph 7 of subsection (c) of this section";

On page 10, in line 30, by striking all after "(p)"; by striking all in line 31; in line 32, by striking all before the period and inserting "A person who is not registered as a home inspector, may assist a registered home inspector in the performance of an inspection provided that the person is supervised at the inspection site by a registered home inspector and any home inspection report rendered in connection with the home inspection is reviewed and signed by the registered home inspector"; by striking all in lines 38 and 39; in line 40, by striking all before the period; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2060**, **HB 2207**, **HB 2232**, **HB 2233**, **HB 2235** be passed.

Committee on **Education** recommends **HB 2002** be amended on page 1, by striking all in lines 13 through 43;

On page 2, by striking all in lines 1 through 26; following line 26, by inserting:

“Section 1. K.S.A. 2008 Supp. 72-6448 is hereby amended to read as follows: 72-6448.

(a) (1) As used in this **section subsection**, “*military pupil*” means a person who is a dependent of a full-time active duty member of the military service or a dependent of a member of any of the United States military reserve forces who has been ordered to active duty under section 12301, 12302 or 12304 of Title 10 of the United States Code, or ordered to full-time active duty for a period of more than 30 consecutive days under section 502(f) or 512 of Title 32 of the United States Code for the purposes of mobilizing for war, international peacekeeping missions, national emergency or homeland defense activities.

~~(b) If the number of pupils enrolled in a district on February 20, 2007, has increased from the number of pupils enrolled in the district on September 20, 2006, by at least 25 pupils or by a number equal to 1% or more of the district’s enrollment, the enrollment of the district for school year 2006-2007 shall be determined on February 20, 2007.~~

~~—(c) If the number of pupils enrolled in a district on February 20, 2008, has increased from the number of pupils enrolled in the district on September 20, 2007, by at least 25 pupils or by a number equal to 1% or more of the district’s enrollment, the enrollment of the district for school year 2007-2008 shall be determined on February 20, 2008.~~

~~—(d) (2) If the number of *military* pupils enrolled in a district on February 20, 2009, has increased from the number of *military* pupils enrolled in the district on September 20, 2008, by at least 25 *military* pupils or by a number equal to 1% or more of the district’s enrollment, the enrollment of *military pupils* in the district for school year 2008-2009 shall be determined on February 20, 2009.~~

(b) (1) As used in this subsection:

(A) “*Military pupil*” means a person who is a dependent of a full-time active duty member of the military service or a dependent of a member of any of the United States military reserve forces who has been ordered to active duty under section 12301, 12302 or 12304 of Title 10 of the United States Code, or ordered to full-time active duty for a period of more than 30 consecutive days under section 502(f) or 512 of Title 32 of the United States Code for the purposes of mobilizing for war, international peacekeeping missions, national emergency or homeland defense activities.

(B) “*School year*” means school year 2009-2010, 2010-2011, 2011-2012 or 2012-2013.

(2) Each school year, the state board shall:

(A) Determine the number of pupils enrolled in each district on September 20;

(B) determine the number of *military* pupils enrolled in each district on February 20, who were not enrolled on the preceding September 20;

(3) If the number obtained under (2)(B) is 25 or more, an amount equal to the number obtained under (2)(B) shall be added to the number determined under (2)(A). The sum is the enrollment of the district.

(4) If the number obtained under (2)(B) is at least 1% of the number determined under (2)(A), an amount equal to the number obtained under (2)(B) shall be added to the number determined under (2)(A). The sum is the enrollment of the district.

(c) The state board shall recompute the adjusted enrollment of the district and the general fund budget of the school district based on the enrollment as determined under this section.

↔ (d) Districts desiring to determine enrollment under this section shall submit any documentation or information required by the state board.”; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2126** be amended on page 1, in line 13, by striking “A” and inserting “(a) Upon request, a”; in line 15, by striking the colon; by striking all in lines 16 through 25 and inserting “a law enforcement official or agency in order to respond to a call for emergency service by a subscriber, customer or user of such service, or to provide caller location information by using a ping locate, in an emergency situation that involves danger of death or serious physical injury to any person where disclosure of communications relating to the emergency is required without delay.

(b) No cause of action shall lie in any court against any telecommunications carrier or telecommunications service, or its officers, employees, agents or other specified persons,

for providing any information, facilities or assistance to a law enforcement official or agency in accordance with the terms of this section.”; and the bill be passed as amended.

Committee on **Government Efficiency and Fiscal Oversight** recommends **HB 2195** be amended on page 3, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2250** be amended on page 1, in line 24, by striking “In” and inserting “Except as provided in K.S.A. 60-445, and amendments thereto, in”; also in line 24, by striking “sexual” and inserting “sex”; in line 25, by striking “article 35” and inserting “articles 34, 35 or 36”; in line 31, by striking “or a summary of the”; in line 32, by striking all before the comma; also in line 32, by striking “15” and inserting “10”; in line 36, before the period by inserting “or to limit the admissibility of the evidence of other crimes or civil wrongs in a criminal action under a criminal statute other than in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto”; after line 40, by inserting the following:

“(2) the sexual gratification component of aggravated trafficking, as described in subsection (a)(1)(B) and (a)(2) of K.S.A. 21-3447, and amendments thereto;

(3) exposing another to a life threatening communicable disease, as described in subsection (a)(1) of K.S.A. 21-3435, and amendments thereto;

(4) incest, as described in K.S.A. 21-3602, and amendments thereto;

(5) aggravated incest, as described in K.S.A. 21-3603, and amendments thereto;”;

Also on page 1, in line 42, by striking “and” the second time it appears and inserting “, mouth or”; also in line 42, by striking “another person” and inserting “the victim”; in line 43, by striking “and” and inserting “, mouth or”;

On page 2, in line 1, by striking “another person’s” and inserting “the victim’s”; in line 3, by striking “another person” and inserting “the victim”; in line 4, after “attempt” by inserting “, solicitation”; in line 5, by striking “(4)” and inserting “(8)”; in line 6, after “offense” by inserting “, or any violation of a city ordinance or county resolution.”; in line 8, after the comma, where it appears the second time, by inserting “the sexual gratification component of aggravated trafficking, as described in subsection (a)(1)(B) and (a)(2) of K.S.A. 21-3447, and amendments thereto; incest, as described in K.S.A. 21-3602, and amendments thereto; or aggravated incest, as described in K.S.A. 21-3603, and amendments thereto.”; in line 9, by striking “(2) through (5)” and inserting “(6) through (9)”;

And by renumbering the paragraphs accordingly;

Also on page 2, in line 12, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2130** be passed.

Committee on **Veterans, Military and Homeland Security** recommends **HB 2267** be passed.

Committee on **Veterans, Military and Homeland Security** recommends **HB 2171** be amended on page 1, in lines 15, 18, 26, 36, 38 and 42, after “war” by inserting “era”;

On page 2, in lines 2, 4, 6, 8, 12, 13, 14, 16, 19, 23, 30, and 36 after “war” by inserting “era”; also in line 36 by striking all after the period; by striking all in lines 37 and 38; in line 39, by striking all before “The”; in line 41, after “war” by inserting “era”;

On page 3, in lines 1 and 3, after “war” by inserting “era”;

On page 1, in the title, in line 10, after “war” by inserting “era”; 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 2346. An act concerning sales taxation; relating to exemptions; Kansas hunters feeding the hungry, inc.; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2347. An act relating to drivers' licenses; concerning the expiration of certain licenses; amending K.S.A. 2008 Supp. 8-247 and repealing the existing section, by Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGE

Rep. Merrick is appointed to replace Rep. Siegfried on Committee on Health and Human Services on Monday, February 16 only.

REPORT ON ENROLLED RESOLUTIONS

HCR 5007 reported correctly enrolled and properly signed on February 13, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, February 17, 2009.

Journal of the House

TWENTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 17, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 125 members present.

Prayer by guest chaplain, the Rev. Jim Dillon, pastor, Calvary Baptist Church, Stafford, and guest of Rep. M. Holmes:

Almighty God, Heavenly Father,

We praise You because You are the Creator of the Heavens and the Earth. You have made each one of us and given us life and breath. It is only because of You that we live and move and have our being. We acknowledge that everything comes from You. It all belongs to You. It all exists for Your glory. History is Your story.

Today, I pray for our country, our constitution, and our leaders. I pray for these elected representatives of the State of Kansas. Grant them wisdom in all their deliberations. Give them the courage to do the right thing for the people. May they uphold the principles upon which this great nation was founded.

In these challenging times, we humbly ask for Your blessing. Forgive us of our pride and shortcomings. Help us to work together to advance freedom and dignity for all people.

I humbly ask these things in the name of the One who changed my life, the strong name of Jesus — Amen.

The Pledge of Allegiance was led by Rep. Horst.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Taxation: **HB 2346**.

Transportation: **HB 2347**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2105** from Committee on Education and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2124** from Committee on Federal and State Affairs and rereferral to Committee on Local Government.

Also, the withdrawal of **HB 2169** from Committee on Local Government and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2252** from Committee on Higher Education and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2253** from Committee on Appropriations and rereferral to Committee on Local Government.

CONSENT CALENDAR

No objection was made to **HB 2115** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2003, An act concerning postsecondary education; relating to technical education; amending K.S.A. 71-1507, 72-4408, 72-4411, 72-4412, 72-4413, 72-4414, 72-4415, 72-4418, 72-4421, 72-4422, 72-4423, 72-4425, 72-4430, 72-4431, 72-4433, 72-4466, 72-4467, 72-4471 and 74-32,141 and K.S.A. 2008 Supp. 72-4427, 72-4450, 72-4451, 72-4452, 72-4470a, 72-4482 and 74-3201b and repealing the existing sections; also repealing K.S.A. 72-4416, 72-4429, 72-4438, 72-4439, 72-4444, 72-4445, 72-4446, 72-4447, 72-4448, 72-4449, 74-3205a, 74-3205b and 74-3205c and K.S.A. 2008 Supp. 72-4436, 72-4437 and 72-4470, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2004, An act concerning retirement plans for certain employees of the state board of regents; amending K.S.A. 2008 Supp. 74-4925 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2007, An act concerning state educational institutions; relating to fees and tuition; amending K.S.A. 2008 Supp. 76-719c and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 16; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, 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, Henry, Hermanson, Hill, Hineman, M. Holmes, Horst, Huntington, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Carlson, Henderson, C. Holmes, Huebert, Kiegerl, Knox, Lane, McLeland, Neufeld, Peck, Schwab, Schwartz, Seiwert, Svaty, Vickrey.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I voted no on **HB 2007** because I feel it will favor whether out-of-state students over in-state students that are paying state taxes already.—JOE SEIWERT

HB 2039, An act concerning crimes, criminal procedure and punishment; relating to warrants; amending K.S.A. 22-2304 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2059, An act concerning proceeds derived from violation of the uniform controlled substances act or any substantially similar offense from another jurisdiction; amending K.S.A. 65-4142 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2147, An act regulating traffic; concerning the removal of certain vehicles from highways; amending K.S.A. 8-1603 and 8-1605 and K.S.A. 2008 Supp. 8-2118 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 7; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, 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, Huntington, Jack, Johnson, 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, Sawyer, Schroeder, Schwab, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Feuerborn, Kelley, Kinzer, Landwehr, Schwartz, Siegfried, Watkins.

Present but not voting: None.

Absent or not voting: None.

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 **HB 2023**, **HB 2001** be passed.

Committee report to **HB 2099** be adopted; and the bill be passed as amended.

On motion of Rep. King to amend **HB 2102**, the motion did not prevail. Also, on motion to recommend the bill favorably for passage, the motion did not prevail.

On motion to recommend **HB 2103** favorably for passage, the motion did not prevail.

On motion of Rep. Menghini to amend **HB 2172**, the motion was withdrawn, and the bill be passed.

Committee report to **HB 2221** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2063** be passed.

Committee on **Agriculture and Natural Resources** recommends **HB 2121** be amended on page 9, in line 41, by striking “, multiplied by the number of years registered” and inserting “per year”;

On page 28, in line 5, after “license” by inserting “for that category”; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **HCR 5004** be amended on page 2, in line 1, by striking “legis-”; in line 2, by striking “lative” and inserting “congressional”; and the concurrent resolution be adopted as amended.

Committee on **Commerce and Labor** recommends **HB 2067** be passed.

Committee on **Commerce and Labor** recommends **HB 2142** be amended on page 1, in line 27, after the period, by inserting “Not less than six hours biennially or three hours annually shall consist of code education.”; in line 33, by striking “and maintenance or” and inserting “, maintenance and”;

On page 2, in line 43, after the period, by inserting “Not less than six hours biennially or three hours annually shall consist of code education.”;

On page 3, in line 6, by striking “and maintenance or” and inserting “, maintenance and”;

On page 4, in line 17, after the period, by inserting “Not less than six hours biennially or three hours annually shall consist of code education.”; in line 23, by striking “and maintenance or” and inserting “, maintenance and” and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **HB 2339** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2339,” as follows:

“Substitute for HOUSE BILL No. 2339

By Committee on Commerce and Labor

“AN ACT concerning certified public accountants; relating to licensure, examination, registration and peer review; amending K.S.A. 1-307, 1-315 and 1-322 and K.S.A. 2008 Supp. 1-301, 1-302b, 1-308, 1-310, 1-311, 1-312, 1-316, 1-321 and 1-501 and repealing the existing sections.”;

and the substitute bill be passed.

(**Sub. HB 2339** was thereupon introduced and read by title.)

Committee on **Economic Development and Tourism** recommends **HB 2270** 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 **Elections** recommends **HCR 5010** be adopted.

Committee on **Elections** recommends **HB 2158** be amended on page 2, in line 41, by striking “or commission” and inserting “, commission or task force”;

On page 3, in line 8, after “gift” by inserting “pertaining to the performance of such member’s or officer’s duties”; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2292** be amended on page 1, preceding line 14, by inserting the following:

“Section 1. K.S.A. 2008 Supp. 50-702 is hereby amended to read as follows: 50-702. The following words and phrases when used in the fair credit reporting act shall have the meanings ascribed to them in this section.

(a) The term “person” means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

(b) The term “consumer” means an individual.

(c) The term “consumer report” means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer’s eligibility for credit or insurance to be used primarily for personal, family, or household purposes, or employment purposes, or other purposes authorized under K.S.A. 50-703, and amendments thereto. The term does not include (1) any report containing information solely as to transactions or experiences between the consumer and the person making the report; (2) any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device; or (3) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys that decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made and such person makes the disclosures to the consumer required under K.S.A. 50-714, and amendments thereto.

(d) The term “investigative consumer report” means a consumer report or portion thereof in which information on a consumer’s character, general reputation, personal characteristics,

or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom the consumer is acquainted or who may have knowledge concerning any such items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.

(e) The term "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, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

(f) The term "file," when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.

(g) The term "employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

(h) The term "medical information" means information or records obtained, with the consent of the individual to whom it relates, from licensed physicians or medical practitioners, hospitals, clinics, or other medical or medically related facilities.

(i) The term "clear and proper identification" means information generally deemed sufficient to identify a person.

(j) The term "security freeze" means a notice placed on a consumer report, at the request of the consumer and subject to certain exceptions, that prohibits a consumer reporting agency from releasing the consumer's consumer report or credit score ~~relating to the extension of credit, when the consumer has been the victim of identity theft~~;

And by renumbering sections accordingly;

On page 4, in line 39, by striking ", or"; and inserting ". The consumer reporting agency shall not charge a fee";

On page 6, in line 18, by striking "50-723 is" and inserting "50-702 and 50-723 are";

In the title, in line 10, preceding "50-723" by inserting "50-702 and"; in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Government Efficiency and Fiscal Oversight** recommends **HB 2265** be passed.

Committee on **Health and Human Services** recommends **HB 2010** be amended on page 1, in line 17, by striking "record" and inserting "records"; also in line 17, by striking all after the period; by striking all in line 18; by striking all in line 19 and inserting "All payments and disbursements from the medical records maintenance trust fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director of the board or by any person designated by the board."; in line 20, by striking all after "board"; by striking all in lines 21 through 24; in line 25, by striking all before the period and inserting "may certify to the director of accounts and reports that a specific amount, but not more than \$10, of each fee for the issuance or renewal of a license be deposited in the state treasury and credited to the medical records maintenance trust fund. At any time the balance in the medical records trust fund falls below \$100,000, the board shall certify again to the director of accounts and reports that a specific amount, but not to exceed \$10, of each fee for the issuance or renewal of a license be deposited in the state treasury and credited to the medical records maintenance trust fund"; also in line 25, by striking "of healing arts"; in line 26, by striking "of" where it appears for the second time; in line 27, by striking "healing arts"; also in line 27, by striking all after "to"; in line 28, by striking all before "storage" and inserting "designate a custodian or provide for the"; also in line 28, after the comma, by inserting "maintenance,."; also in line 28, before the period, by inserting "to such licensee's medical records upon becoming inactive"; in line 30, by striking "record" and inserting "records"; in line 31, by striking all after "(c)"; by striking all in lines 32 through 39; in line 40, by striking "(d)"; in line 42, by

striking "record" and inserting "records"; in line 43, by striking "record" and inserting "records";

And by relettering the remaining subsections on page 2 accordingly; Also on page 2, by striking all in lines 8 through 43;

By striking all on pages 3 through 7;

On page 8, by striking all in lines 1 through 42;

And by renumbering the remaining sections accordingly;

On page 10, in line 38, by striking "65-2809, 65-2837 and"; also in line 38, by striking "are" and inserting "is";

On page 1, in the title, in line 10, by striking "record", where it appears for the first time and inserting "records"; also in line 10, by striking "record" where it appears for the second time and inserting "records"; in line 11, by striking all after "Supp."; in line 12, by striking "sections" and inserting "section"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2198** be amended on page 1, in line 42, by striking "shall" and inserting "may";

On page 2, in line 13, by striking "shall" and inserting "may"; in line 22, by striking all after "(c)"; by striking all in lines 23 through 38; in line 39, by striking "(3)"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2243** be amended on page 1, in line 40, after the stricken material, by inserting "At least 30 days prior to the expiration of a license, the board shall provide to the licensee notice of the date of expiration of the license.";

On page 2, in line 25, by striking "\$25" and inserting "\$35"; in line 38, by striking "\$25" and inserting "\$15"; in line 39, by striking "\$250" and inserting "\$150"; in line 40, by striking "\$150" and inserting "\$75";

On page 3, in line 16, by striking "\$25" and inserting "\$15"; and the bill be passed as amended.

Committee on **Higher Education** recommends **HB 2197** be amended on page 4, in line 16, by striking all after the period; by striking all in line 17; in line 18, by striking all before "Rules" and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2164** be passed.

Committee on **Judiciary** recommends **HB 2201** be amended on page 1, in line 22, after "finds" by inserting ", after notice to all interested parties,"; in line 23, after "support" where it appears the second time, by inserting "in an amount"; in line 24, by striking "\$1,000" and inserting "three months' child support"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2029** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2029," as follows:

"Substitute for HOUSE BILL No. 2029

By Committee on Local Government

"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. 2008 Supp. 25-432 and repealing the existing sections.";

and the substitute bill be passed.

(**Sub. HB 2029** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2175** be passed.

Committee on **Taxation** recommends **HB 2321** be amended on page 11, by striking all in lines 10 through 21;

And by renumbering sections accordingly;

Also on page 11, in line 24, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 11, by striking "sales tax refund"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2152** be passed.

Committee on **Transportation** recommends **HB 2143** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2143," as follows:

“Substitute for HOUSE BILL No. 2143

By Committee on Transportation

“AN ACT relating to driver’s licenses; providing for certain restrictions; amending K.S.A. 8-235d, 8-239, 8-291, 8-296 and 8-297 and K.S.A. 2008 Supp. 8-234a and 8-237 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2143** 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 2348, An act concerning sales taxation; relating to the imposition of tax on rendering or furnishing of services; rate of tax; amending K.S.A. 2008 Supp. 79-3602, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Taxation.

HB 2349, An act concerning income taxation; relating to social security benefits; amending K.S.A. 2008 Supp. 79-32,117 and repealing the existing section; also repealing K.S.A. 2008 Supp. 79-32,117m, by Committee on Taxation.

HB 2350, An act concerning persons licensed in the state to practice medicine and surgery; right of participation as a provider in health benefits programs, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2003, HB 2147 reported correctly engrossed February 16, 2009.

REPORT ON ENROLLED RESOLUTIONS

HR 6002, HR 6003, HR 6005, HR 6006, HR 6009 reported correctly enrolled and properly signed on February 16, 2009.

On motion of Rep. Mast, the House adjourned until 10:30 a.m., Wednesday, February 18, 2009.

Journal of the House

TWENTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 18, 2009, 10:30 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 125 members present.

Prayer by guest chaplain, the Rev. Donald F. Davidson, pastor, St. David's Episcopal Church, and Command Chaplain, Kansas National Guard, guest of Rep. Tafanelli:

Good and Gracious Creator God,
Bless this House dedicated to the people of Kansas, and the proceedings therein. Let the work of the people be accomplished in this place, and may it be to the betterment of our society.

Give our elected officials grace as they pursue the noble principles of our state and nation, and on this day bless all those who serve our nation in uniform wherever they may be.

We ask all of this in your holy Name. Amen.

The Pledge of Allegiance was led by Rep. Frownfelter.

PERSONAL PRIVILEGE

In recognition of Armed Forces Appreciation Day at the Capitol, Rep. Tafanelli addressed a few remarks to the members of the House.

There being no objection, the following remarks by Rep. Bowers are spread upon the journal:

Good Morning! As you checked your calendar this morning you would see that it is Military Appreciation Day and among our guests here, I have a constituent who I'd like you all to meet. Caption Aaron Isaacson has just recently returned home from his 3rd tour to Iraq & Afghanistan. As important as we know his job is—he tells me he admires us more for our service in this chamber—to the people of Kansas. But I wonder how we can even compare our duties to someone like Aaron who protects our freedom in a way that most of us can't even fathom. Caption Isaacson is currently stationed at Fort Riley with the Wounded Warrior Transition Unit. And as you shake his hand and welcome him home—I'd like you to know this: this soldier not only has one Bronze Star but two—not only one Purple Heart but two plus other numerous decorations.

Mr. Speaker—it is my pleasure to introduce Caption Aaron P. Isaacson of the United States Army and Kansas National Guard to you and to the members of the Kansas House of Representatives.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Health and Human Services: **HB 2350**.

Taxation: **HB 2348**, **HB 2349**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2008** from Committee on Education and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2075**, **HB 2087**, **HB 2262** from Committee on Insurance and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2105** from Committee on Appropriations and referral to Committee on Education Budget.

Also, the withdrawal of **HB 2169**, **HB 2282** from Committee on Appropriations and rereferral to Committee on Local Government.

Also, the withdrawal of **HB 2199** from Committee on Education and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2252** from Committee on Appropriations and rereferral to Committee on Higher Education.

Also, the withdrawal of **HB 2283** from Committee on Appropriations and rereferral to Committee on Agriculture and Natural Resources.

CONSENT CALENDAR

Objection was made to **HB 2270** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2115** 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 2115, An act repealing K.S.A. 21-4211, relating to interference with an emergency call, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2001, An act concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 72-6407 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 23; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, 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, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer,

Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Brunk, Burgess, Carlson, DeGraaf, Donohoe, Huebert, Kelley, Kiegerl, King, Kinzer, Landwehr, Mast, McLeland, Merrick, Olson, Peck, Rhoades, Schroeder, Siegfried, Watkins, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2023, An act relating to motor carriers; concerning enforcement of certain state corporation commission orders, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2099, An act concerning criminal procedure; relating to withdrawal of guilty pleas; amending K.S.A. 22-3210 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 9; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, 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, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Crow, Dillmore, Grant, Henderson, Kuether, Maloney, Menghini, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2172, An act concerning sales taxation; relating to cash rebates on sales or leases of new motor vehicles; amending K.S.A. 2008 Supp. 79-3602 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 12; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Fund, Garcia, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Watkins, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Crow, Frownfelter, Furtado, S. Gatewood, Kuether, Lane, Loganbill, Menghini, Ruiz, Ward, Whitham.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2221, An act concerning child care; disclosure of certain information; amending K.S.A. 2008 Supp. 65-525 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Bethell in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2232**, **HB 2207**, **HB 2060** be passed.

Committee report to **HB 2236** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2050** be adopted; and the substitute bill be passed.

Committee report to **HB 2260** be adopted; and the bill be passed as amended.

HB 2002 be passed over and retain a place on the calendar.

On motion of Rep. Sloan to amend **HB 2079**, the motion was withdrawn and the bill be passed over and retain a place on the calendar.

Committee report to **HB 2250** be adopted; and the bill be passed as amended.

Rose and reported.

REPORTS OF STANDING COMMITTEES

Committee on **Aging and Long-Term Care** recommends **HB 2297** be amended on page 2, in line 41, by striking all after “medicine”; in line 42, by striking all before the semicolon;

On page 3, in line 10, by striking “or geriatric psychiatry”; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **HB 2241** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2139** be amended on page 1, in line 23, by striking “6.3%” and inserting “7.01%”; in line 27, after the semicolon by inserting “and”; by striking all in lines 28 and 29;

And by renumbering the remaining paragraphs accordingly; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2165** be amended on page 1, after line 29, by inserting the following:

“(d) The provisions of this section shall not be deemed to create any civil liability for any lodging establishment, as defined in K.S.A. 36-501, and amendments thereto.”;

And by relettering the remaining subsection accordingly; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2077** be amended on page 1, in line 13, after “Section 1.” by inserting “From and after January 1, 2012.”;

On page 2, in line 3, by striking all after the period; by striking all in lines 4 through 7;

On page 5, in line 23, by striking “2010” and inserting “2012”;

On page 6, in line 42, by striking “2010” and inserting “2012”;

On page 7, in line 33, by striking all after “vote” by striking all in line 34; in line 35, by striking all before the semicolon;

On page 9, in line 1, after “applicant” by inserting “, the applicant’s signature”; in line 28, by striking “2010” and inserting “2012”;

On page 11, by striking all in line 20 and inserting the following:

“(d) This section shall take effect on and after January 1, 2012.

New Sec. 6. If a voter is entitled to vote and such voter is unable to present one of the forms of identification listed in subsection (i) of section 3, and amendments thereto, such voter shall be allowed to vote after signing a statement, that such voter is the named registered voter who such voter claims to be. Such statement shall be subject to felony penalties for perjury pursuant to K.S.A. 21-3805, and amendments thereto, subject to felony penalties for perjury pursuant to K.S.A. 21-3805 and amendments thereto.”;

Also on page 11, in line 21, by striking “2010” and inserting “2012”; also in line 21, after “Supp.” by inserting “25-1122.”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2308** be passed.

Committee on **Government Efficiency and Fiscal Oversight** recommends **HB 2219** be amended on page 2, in line 2, after “(d)” by inserting “(1)”; in line 3, by striking “(1)” and inserting “(A)”; in line 6, after the semicolon by inserting “and”; in line 7, by striking “(2)” and inserting “(B)”; in line 9, by striking the semicolon and inserting a period; in line 10, by striking “(3) develop” and inserting the following:

“(2) The commission shall:

(A) Develop”;

Also on page 2, in line 12, by striking “(4)” and inserting “(B)”; and the bill be passed as amended.

Committee on **Government Efficiency and Fiscal Oversight** recommends **HB 2222** be amended on page 1, in line 13, by striking “Any” and inserting “Recognizing the cost differences between different types of submission methods, any”; in lines 17 and 22, by striking “collections” and inserting “agency”; in line 24, by striking “and” and inserting “or”; in line 26, after the semicolon, by inserting “and”; in line 27, by striking “; and”; by striking all in lines 28 and 29; and inserting “, which may include, but are not limited to, insuring that the surcharge or discount has measured benefits of efficiency to the agency and customers.”; and the bill be passed as amended.

Committee on **Government Efficiency and Fiscal Oversight** recommends **HB 2249** be amended on page 4, after line 2, by inserting the following:

“(4) “Threat” means statements or actions outside the normal employee counseling and job review process that convey possible dismissal, transfer or other punishment for providing information the person believes to be accurate to a member of the legislature, the attorney general or any auditing agency.”;

Also on page 4, in line 7, by striking all after “general”; in line 8, by striking all before “an”; in line 20, by striking all after “general”; by striking all in line 21; in line 22, by striking all before “or”; in line 29, by striking “(i)” and inserting “(j)”;

On page 5, in line 29, by striking the second comma and inserting “and”; also in line 29, by striking all after “fees”; in line 30, by striking all before the period; in line 33, by striking the comma and inserting “and”; also in line 33, by striking “and any other damages”; in line 38, by striking “and other such relief or damages as the court deems appropriate”; in line 39, by striking all after “(h)”;

On page 6, by striking all in lines 1 through 4; in line 5, by striking “(i)”;

also in line 5, by striking all after “faith”; in line 6, by striking all before “any” and inserting “discusses the operations of the state agency or other matters of public concern, including matters relating to public health, safety and welfare with”; also in line 6, by striking all after “general”; by striking all in line 7; in line 8, by striking all before “or”;

And by relettering the remaining subsections accordingly;

Also on page 6, in line 21, by striking the comma and inserting “and”; also in line 21, by striking “and any other damages”; in line 26, by striking “and other such relief or damages as the court deems appropriate”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2259** be amended on page 1, by striking all in lines 25 through 38;

And by renumbering the remaining sections accordingly; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2287** be amended on page 1, in line 12, by striking “Regardless if” and inserting “(a) If”; also in line 12, by striking “does or”; in line 17, by striking all after the period; by striking all in line 18; in line 19, by striking all before “If”; in line 21, by striking “40-2202o” and inserting “40-2209o”; after line 22, by inserting the following:

“(b) The provisions of this section shall expire on July 1, 2014.”; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2054**, **HB 2214** be passed.

Committee on **Insurance** recommends **HB 2160** be amended on page 1, in line 17, by striking the colon; by striking all in lines 18 and 19; in line 20, by striking “(2)” following line 24, by inserting the following:

“Sec. 2. K.S.A. 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 trans-

actions, if receipt of benefit is contingent on an event occurring after the consumer enters into the transaction;

(F) property or services has uses, benefits or characteristics unless the supplier relied upon and possesses a reasonable basis for making such representation; or

(G) use, benefit or characteristic of property or services has been proven or otherwise substantiated unless the supplier relied upon and possesses the type and amount of proof or substantiation represented to exist;

(2) the willful use, in any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact;

(3) the willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact;

(4) disparaging the property, services or business of another by making, knowingly or with reason to know, false or misleading representations of material facts;

(5) offering property or services without intent to sell them;

(6) offering property or services without intent to supply reasonable, expectable public demand, unless the offer discloses the limitation;

(7) making false or misleading representations, knowingly or with reason to know, of fact concerning the reason for, existence of or amounts of price reductions, or the price in comparison to prices of competitors or one's own price at a past or future time;

(8) falsely stating, knowingly or with reason to know, that a consumer transaction involves consumer rights, remedies or obligations;

(9) falsely stating, knowingly or with reason to know, that services, replacements or repairs are needed;

(10) falsely stating, knowingly or with reason to know, the reasons for offering or supplying property or services at sale or discount prices;

(11) sending or delivering a solicitation for goods or services which could reasonably be interpreted or construed as a bill, invoice or statement of account due, unless:

(A) Such solicitation contains the following notice, on its face, in conspicuous and legible type in contrast by typography, layout or color with other printing on its face:

“THIS IS A SOLICITATION FOR THE PURCHASE OF GOODS OR SERVICES AND NOT A BILL, INVOICE OR STATEMENT OF ACCOUNT DUE. YOU ARE UNDER NO OBLIGATION TO MAKE ANY PAYMENTS UNLESS YOU ACCEPT THIS OFFER”; ~~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”; ~~and~~

(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) *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. 50-626 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking “; concerning the payment of” and inserting “payments for”; in line 10, preceding the period by inserting “; amending K.S.A. 50-626 and repealing the existing section”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2154** be passed.

Committee on **Judiciary** recommends **HB 2144** be amended on page 5, in line 26, by striking “and” and inserting “or”; in line 27, by striking “and” and inserting “or”; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2084, HB 2125, HB 2155, HB 2157** be passed.

Committee on **Local Government** recommends **HB 2032** be amended on page 1, by striking all in lines 23 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 32;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking all after “annexation”; in line 10, by striking all before the period; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2134** be passed.

Committee on **Transportation** recommends **HB 2188** be amended on page 3, in line 9, preceding the period by inserting “, except that the dealer shall have until and including the last day of February of each year within which to make application for renewal”; in line 39, preceding the period by inserting “, except that the dealer shall have until and including the last day of February of each year within which to make application for renewal”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2258** be amended on page 8, in line 13, by striking “end-of-life” and inserting “nonrepairable”; in line 15, by striking “end-of-life” and inserting “nonrepairable”; in line 18, by striking “end-of-life” and inserting “nonrepairable”; in line 21, by striking “end-of-life” and inserting “nonrepairable”; in line 25, by striking all following “(m)”; by striking all in line 26; in line 27, by striking all preceding the period and inserting “ “Nonrepairable vehicle” means any motor vehicle which: (1) Has been damaged, destroyed, wrecked, burned or submerged in water to the extent that such motor vehicle is incapable of safe operation for use on roads or highways and has no resale value except as a source of parts or scrap only; or (2) the owner irreversibly designates as a source of parts or scrap”;

On page 13, in line 10, preceding “scrap” by inserting “rebuilder.”;

On page 15, in line 16, by striking “and vehicle recyclers” and inserting “, vehicle crusher, vehicle recycler, rebuilder, scrap metal recycler and salvage vehicle pool”; in line 18, by striking “quarterly” and inserting “monthly”; in line 25, by striking “the highway patrol” and inserting “law enforcement”;

On page 16, in line 12, preceding “or” by inserting “, salvage vehicle pool”; 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 2351, An act concerning abolition of the death penalty; amending K.S.A. 21-3105, 21-4364, 21-4634, 21-4635, 21-4706, 22-3405, 22-3705, 22-3717, 22-4210, 22-4505 and 22-4506 and K.S.A. 2008 Supp. 21-4619, 22-4902, 38-2255, 38-2271, 38-2312, 38-2365, 39-970, 65-5117 and 75-52,148 and repealing the existing sections; also repealing K.S.A. 21-

3439, 21-4622, 21-4623, 21-4624, 21-4627, 21-4629, 21-4630 and 22-3704, by Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **SB 25, SB 123, SB 135, SB 137, SB 139, SB 156.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 25, SB 123, SB 135, SB 137, SB 139, SB 156.

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

AFTERNOON SESSION

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

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

Speaker pro tem Siegfried called the House to order

On motion of Rep. Mast, 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 2233** be passed.

Committee report to **HB 2002** be adopted; also, roll call was demanded on motion of Rep. Peck to amend on page 3, by striking all in lines 25 through 35; following line 35, by inserting:

“(A) Determine the number of pupils enrolled in each district on September 20;

(B) determine the number of military pupils enrolled in each district on September 20;

(C) determine the number of military pupils enrolled in each district on February 20;

(D) determine the number of military pupils enrolled in each district on February 20, who were not enrolled on the preceding September 20;

(E) subtract the number obtained under (D) from the number obtained under (C);

(3) If the number obtained under (2)(C) is greater than the number obtained under (2)(B) and the number obtained under (2)(E) is 25 or more, an amount equal to the number obtained under (2)(D) shall be added to the number determined under (2)(A). The sum is the enrollment of the district.

(4) If the number obtained under (2)(C) is greater than the number under (2)(B) and the number obtained under (2)(E) is at least 1% of the number determined under (2)(A), an amount equal to the number obtained under (2)(D) shall be added to the number determined under (2)(A). The sum is the enrollment of the district.”;

On roll call, the vote was: Yeas 28; Nays 88; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, A. Brown, Brunk, Burgess, Crum, DeGraaf, Donohoe, Gordon, Hayzlett, Jack, Kelley, Kinzer, Knox, Landwehr, Light, Mast, McLeland, Merrick, Patton, Peck, Powell, Quigley, Rhoades, Schwab, Seiwert, Shultz, Siegfried, Worley.

Nays: Ballard, Benlon, Bowers, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grange, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Johnson, Kerschen, King, Kleeb, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, Otto, Palmer, Pauls, Phelps, Pottorff, Prescott, Proehl, Rardin, Roth, Ruiz, Sawyer, Schroeder,

Schwartz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Carlson, Colloton, Goico, Grant, Kiegerl, O'Neal, Olson, Peterson.

The motion of Rep. Peck did not prevail.

Also, roll call was demanded on motion of Rep. Horst to amend **HB 2002** on page 3, in line 30, after "to" where it appears the first time, by inserting "½ of"; in line 33, after "to" by inserting "½ of";

On roll call, the vote was: Yeas 56; Nays 62; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Bethell, Brookens, A. Brown, Brunk, Burgess, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Grange, Hayzlett, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Light, Mast, McLeland, Merrick, Olson, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schwab, Seiwert, Shultz, Siegfried, Spalding, Swanson, Tafanelli, Vickrey, Watkins, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bowers, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Hawk, Henderson, Henry, Hermanson, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, Otto, Palmer, Pauls, Phelps, Rardin, Ruiz, Sawyer, Schroeder, Schwartz, Slattery, Sloan, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf.

Present but not voting: None.

Absent or not voting: Carlson, Colloton, Gordon, Grant, Landwehr, O'Neal, Peterson.

The motion of Rep. Horst did not prevail; and **HB 2002** be passed as amended.

On motion of Rep. Sloan to amend **HB 2079** (see previous action, Morning Session), the motion did not prevail; and the bill be passed.

HB 2066 be passed over and retain a place on the calendar.

On motion of Rep. Goyle to amend **HB 2193**, Rep. Huebert offered a motion to refer the bill to Committee on Elections. Roll call was demanded.

On roll call, the vote was: Yeas 51; Nays 69; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Vickrey, Watkins, Yoder.

Nays: Ballard, Benlon, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Hawk, Henderson, Henry, Hill, Hineman, Horst, Huntington, 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, Sawyer, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Winn, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Carlson, Colloton, Grant, Peterson, Williams.

The motion of Rep. Huebert did not prevail.

The question then reverted back to the motion of Rep. Goyle to amend **HB 2193** on page 4, after line 1, by inserting the following:

"New Sec. 2. (a) Any person who spends or contracts to spend an amount of \$500 or more per calendar year for any electioneering communication shall submit a campaign finance report prescribed and provided by the governmental ethics commission for each electioneering communication, which shall include:

(1) The name of the clearly identified candidate mentioned in the electioneering communication.

(2) The name, street address, city, state and zip code of each individual or other entity that contributes more than \$50 per year to such person for an electioneering communication. In addition, the report shall list the occupation of any individual who contributed \$150 or more.

(3) The name, street address, city, state and zip code of the vendor to whom a payment of more than \$50 for such electioneering communication is made or contracted to be made.

(4) The amount spent on or contracted to be spent on such electioneering communication. If the person making the electioneering communication is an individual, such reports shall also include the occupation and employer of such individual. Reports required by this section shall be in addition to any other reports required by law.

(b) (1) (A) For an electioneering communication concerning a candidate for state office, the report required by subsection (a) shall be filed only with the secretary of state.

(B) For an electioneering communication concerning a candidate for local office, the report required by subsection (a) shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot.

(2) Except as required by paragraph (3), each report required by subsection (a) shall be filed in time to be received in the offices required in accordance with the times set forth in K.S.A. 25-4148 and amendments thereto.

(3) For any electioneering communication occurring during the 11 days preceding the election, the report required by subsection (a) shall be filed on or before the close of the second business day following the day in which such funds are spent or contracted to be spent for such electioneering communication.

(c) For the purposes of this section:

(1) "Electioneering communication" means any communication that reaches 300 or more persons broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences or otherwise distributed that:

(A) Unambiguously refers to any clearly identified candidate;

(B) is broadcast, printed, mailed, delivered or distributed within 30 days before a primary election or 60 days before a general election;

(C) is broadcast to, printed in a newspaper distributed to, mailed to, delivered by hand to, or otherwise distributed to an audience that includes members of the electorate for such public office.

(2) "Electioneering communication" does not include:

(A) Any news articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;

(B) any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(C) any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;

(D) any communication that refers to any candidate only as part of the popular name of a bill or statute;

(E) any communication made solely to promote a candidate debate or forum that is made by or on behalf of the person sponsoring such debate or forum; or

(F) any communication made as part of a nonpartisan activity designed to encourage individuals to vote or register to vote.

(d) The provisions of this section shall be part of and supplemental to the campaign finance act.;

And by renumbering the remaining sections accordingly;

In the title, in line 9, by striking all after the semicolon; by striking all in line 10; in line 11, by striking "officials.;"

Roll call was demanded.

On roll call, the vote was: Yeas 68; Nays 52; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Benlon, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, Huntington, 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, Sawyer, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf, Worley, Yoder.

Nays: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, B. Wolf.

Present but not voting: None.

Absent or not voting: Carlson, Colloton, Grant, Neufeld, Peterson.

The motion of Rep. Goyle prevailed; and **HB 2193** be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2099, **HB 2221** reported correctly engrossed February 17, 2009.

REPORT ON ENROLLED RESOLUTIONS

Sub. HR 6004 reported correctly enrolled and properly signed on February 17, 2009.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Thursday, February 19, 2009.

Journal of the House

TWENTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 19, 2009, 9:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 123 members present.
Rep. Morrison was excused on verified illness.
Rep. Colloton was excused on excused absence by the Speaker.
Present later: Rep. Morrison.

Prayer by guest chaplain, Pastor Charles Robinson, Northridge Church, Sabetha, and guest of Rep. Lukert:

Our Father,

Once again we come before you, recognizing your ultimate authority in our lives. This is another day, a lot like those before, where we depend on your wisdom and strength to do and to be what you have called us to do and to be. So with the many challenges that face this group of committed law makers I pray that your conviction, sense of justice and integrity will grip their hearts in such a way that this day would not be found as ordinary but that it would be filled with victorious unity as they strive to honor you and the ideals of your heart.

This we ask in the name of our Savior, Jesus, Amen.

The Pledge of Allegiance was led by Rep. Meier.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Kiegerl are spread upon the journal:

During the past five years I have had the pleasure and privilege to bring nine exceptional teachers from my district to be recognized for their achievements and the awards they have earned.

We honored teachers of the year both for the state of Kansas and the nation and a recipient of the Michael Milken Award for teaching excellence and for the second time today a recipient of the American Stars of Teaching award.

Today I present three teachers from the Gardner/Edgerton School District USD 231. Audrey Baker and Katie Weil are the recipients of the 2008 Department of Education Horizon Award Exceptional first year teacher, or "Rookie of the Year." Also present are Mark Meyer and Lachelle Sigg, principals of the schools.

I should like to present Ms. Baker and Ms. Weil with the certificates of recognition from the House Chamber. Please join me in honoring them.

Our next honoree is Dr. Suzanne Blair who teaches mathematics at Gardner/Edgerton High School. She was presented the 2008 American Star Teacher award. This most prestigious award is selected from a group of 4,000 exceptional teachers nominated nationwide and only one teacher per state is chosen.

I was pleased to be present when Dr. Blair was surprised at receiving this award. The ceremony was a carefully planned secret operation. An official from the Department of Education, members of our Congressional delegation flew in from Washington and, the

mayor of Gardner, our State Senators and other dignitaries were on stage when an assembly was called. Dr. Blair had no idea that she was the center of attention until called on stage. Everyone loves surprises.

Please join me in congratulating Dr. Blair for her achievements.

PERSONAL PRIVILEGE

Rep. Loganbill recognized Rep. Meier and asked the members of the House to give her a warm send-off. Rep. Meier is being deployed to Iraq. Rep. Loganbill also presented her with a flag that will be placed on her desk in the chamber while she is away.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2352, An act concerning sales taxation; relating to exemptions; certain nonprofit organizations; amending K.S.A. 2008 Supp. 79-3603 and repealing the existing section, by Committee on Taxation.

HB 2353, An act concerning taxation; relating to the homestead property tax refund act; amending K.S.A. 2008 Supp. 79-4502 and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **HB 2351**.

Financial Institutions: **SB 139**.

Health and Human Services: **SB 25**.

Insurance: **SB 137**.

Judiciary: **SB 135, SB 156**.

Transportation: **SB 123**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2083** from Committee on Local Government and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2199** from Committee on Appropriations and rereferral to Committee on Education.

COMMUNICATIONS FROM STATE OFFICERS

From the Kansas Parole Board, Annual Report, Fiscal Year 2008.

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2002, An act concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 72-6448 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 25; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf.

Nays: Aurand, A. Brown, Brunk, Donohoe, Faber, Goico, Gordon, Grange, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, McLeland, Merrick, Patton, Peck, Powell, Rhoades, Schwab, Siegfried, Watkins, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Colloton, Morrison.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HB 2002**. I strongly support our military, and a second count for schools with a significant population of military children. I support additional funding to schools when they have a net increase in the number of military students they are educating.

However, to provide funding to some schools for students they are not educating is unfair to other schools. Kansas is facing a budget shortfall in FY 2010 of \$1 billion, in part to the Legislature's inability to say NO to overspending. Providing this additional \$3 million to some schools means larger cuts to other schools when we finalize the FY-10 budget.—VIRGIL PECK, JR., LANA GORDON, MARIO GOICO, PEGGY MAST, KASHA KELLEY, JOE MCLELAND, S. MIKE KIEGERL, RAY MERRICK, STEVE HUEBERT

Sub. HB 2050, An act concerning water; relating to certain fees and disbursement thereof; concerning certain water permits; amending K.S.A. 2008 Supp. 82a-708a, 82a-708b, 82a-714 and 82a-727 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 72; Nays 51; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Carlin, Craft, Crow, Crum, Davis, DeGraaf, Finney, Flaharty, Fund, Furtado, Garcia, S. Gatewood, George, Gordon, Goyle, Grange, Hawk, Henderson, Hill, Hineman, Horst, Huntington, Johnson, Kiegerl, Kleeb, Knox, Loganbill, Lukert, Mah, McCray-Miller, Meier, Moxley, Myers, Neighbor, O'Neal, Otto, Palmer, Peterson, Phelps, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, A. Brown, Brunk, Burroughs, Carlson, Dillmore, Donohoe, Faber, Feuerborn, Frownfelter, D. Gatewood, Goico, Grant, Hayzlett, Henry, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kuether, Landwehr, Lane, Light, Long, Maloney, Mast, McLeland, Menghini, Merrick, Neufeld, O'Brien, Olson, Patton, Pauls, Peck, Pottorff, Powell, Schwartz, Seiwert, Siegfried, Tietze, Trimmer, Vickrey, Ward, Watkins, Yoder.

Present but not voting: None.

Absent or not voting: Colloton, Morrison.

The substitute bill passed.

HB 2060, An act concerning crimes and punishment; relating to battery against a law enforcement officer; amending K.S.A. 2008 Supp. 21-4704 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bethell, 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, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, 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, 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, Sawyer, Schroeder, Schwab, Seiwert, Shultz, Siegfried,

Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Faber, Schwartz.

Present but not voting: None.

Absent or not voting: Colloton, Morrison.

The bill passed.

HB 2079, An act concerning sales taxation; relating to refunds; certain purchases of telecommunications machinery and equipment, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 23; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Fund, Furtado, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Vickrey, Watkins, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: T. Brown, Burroughs, Carlin, Craft, Crow, Finney, Flaharty, Frownfelter, Garcia, S. Gatewood, Hawk, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Peterson, Sloan, Tietze, Trimmer, Ward, Whitham.

Present but not voting: None.

Absent or not voting: Colloton, Morrison.

The bill passed.

HB 2193, An act concerning campaign finance; amending K.S.A. 2008 Supp. 25-4148 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 54; Nays 69; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Huntington, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Moxley, Neighbor, Pauls, Peterson, Phelps, Pottorff, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Winn, K. Wolf, Worley.

Nays: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Maloney, Mast, McLeland, Meier, Merrick, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Williams, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Colloton, Morrison.

The bill did not pass.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2193** because it undermines the constitutional right to protection of political speech. An issue of this magnitude must be fully vetted through the committee process. Before the body votes to compromise our constitutional rights, we must dedicate fair and careful consideration of the possibility of unintended consequences.—LANCE KINZER, LARRY R. POWELL, ANTHONY BROWN, MARIO GOICO, CONNIE O'BRIEN, DON MYERS, GARY HAYZLETT, ARLEN H. SIEGFREID, RICHARD CARLSON, VIRGIL PECK, JR., RAY MERRICK, PEGGY MAST, S. MIKE KIEGERL, LANA GORDON, ROCKY FUND, MARC

RHOADES, DAN KERSCHEN, WILLIE PRESCOTT, MITCH HOLMES, JOE SEIWERT, MARVIN KLEEB, OWEN DONOHOE, JOHN C. GRANGE

MR. SPEAKER: I vote no on **HB 2193** as amended. I believe that it is ironic that the Goyle amendment talks about transparency, yet it denies the simple transparency of allowing our constituents the ability to speak on the issue. No bill was even introduced, thus denying our constituents a chance to come to a hearing and speak. This is not just ironic, this intentionally ignores the democratic process.—STEVE HUEBERT

MR. SPEAKER: I vote yes on **HB 2193**. This bill as amended is about shedding light on who is funding political campaigns. Kansans have a right to know who is trying to persuade them and what that person or group's motivation might be. It is time we bring transparency to our state's campaign election laws.—CHARLIE ROTH, DON HILL, KAY WOLF, SHERYL SPALDING, JILL QUIGLEY, RON WORLEY, TOM MOXLEY, TERRIE HUNTINGTON

HB 2207, An act concerning criminal procedure; relating to release prior to trial; costs; amending K.S.A. 22-2802 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, 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, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, 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, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown.

Present but not voting: None.

Absent or not voting: Colloton, Morrison.

The bill passed.

HB 2232, An act concerning corrections advisory boards; relating to membership; amending K.S.A. 2008 Supp. 75-5297 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 12; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, 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, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Faber, Hayzlett, Kinzer, Landwehr, Merrick, Neufeld, Powell, Siegfried, Vickrey, Watkins.

Present but not voting: None.

Absent or not voting: Colloton, Morrison.

The bill passed.

HB 2233. An act concerning criminal procedure; relating to appeals; release or discharge of defendant; amending K.S.A. 22-3604 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, 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, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, 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, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Morrison.

The bill passed.

HB 2236. An act relating to crimes, criminal procedure and punishments; concerning drug crimes; recodification of certain statutes; amending K.S.A. 12-4419, 12-4509, 21-2501, 21-3436, 21-3608a, 21-3718, 21-3826, 21-4203, 21-4204, 21-4226, 21-4502, 21-4603d, 21-4708, 21-4713, 21-4717, 21-4729, 22-2512, 22-2515, 22-2909, 22-3901, 36-601, 36-604, 60-427, 65-4102, 65-4127c, 65-4139 and 79-5201 and K.S.A. 2008 Supp. 8-2,128, 8-1567, 12-4104, 21-4704, 21-4705, 21-4714, 22-4902, 38-2255, 44-706, 59-2132, 59-29b46, 60-4104, 65-516, 72-1397, 72-5445, 72-89c01, 75-7c04, 75-52,144 and 76-11a13 and repealing the existing sections; also repealing K.S.A. 21-4214, 21-4215, 65-4105a, 65-4127d, 65-4141, 65-4142, 65-4155, 65-4158, 65-4164 and 65-4165 and K.S.A. 2008 Supp. 65-4150, 65-4151, 65-4152, 65-4153, 65-4159, 65-4159a, 65-4160, 65-4161, 65-4162, 65-4163, 65-4166, 65-4168, 65-4168a and 65-7006, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, 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, Huntington, 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, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore.

Present but not voting: None.

Absent or not voting: Colloton, Morrison.

The bill passed, as amended.

HB 2250. An act concerning the rules of evidence; relating to admissibility of prior acts or offenses of sexual misconduct; amending K.S.A. 60-455 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bethell, 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, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, Horst, Huebert, Huntington, 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, 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, Sawyer, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Schwab.

Present but not voting: None.

Absent or not voting: Colloton, Morrison.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: Today I voted against **HB 2250** with misunderstanding. After gaining more information about the impact and necessity of the measure, I am in full support. It was my intent to support a motion to reconsider so that the issue could be corrected. Before that could occur, our report was read into the Senate. Let it be known I do support this bill and will continue to do so as it comes from the Senate. Thank you, Mr. Speaker.—SCOTT SCHWAB

HB 2260, An act concerning the Kansas home inspectors professional competence and financial responsibility act; amending K.S.A. 2008 Supp. 58-4502, 58-4503, 58-4504, 58-4505, 58-4506, 58-4509, 58-4510, 58-4511 and 58-4512 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 58-4513, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 26; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, 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, Horst, Huebert, Huntington, Jack, Johnson, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Talia, Tietze, Trimmer, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Carlson, Dillmore, Donohoe, Faber, Gordon, Hayzlett, M. Holmes, Kelley, Kiegerl, Kinzer, Landwehr, McLeland, Merrick, Neufeld, Peck, Powell, Schwab, Schwartz, Siegfried, Swanson, Swenson, Tafanelli, Vickrey, Ward.

Present but not voting: None.

Absent or not voting: Colloton, Morrison.

The bill passed, as amended.

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 **HB 2308**, **HB 2267**, **HB 2164**, **HB 2054**, **HB 2098**, **HB 2155** be passed.

HB 2142, **HB 2067**; **Sub HB 2143**; **HB 2162** be passed over and retain a place on the calendar.

Committee report to **HB 2126** be adopted; and the bill be passed as amended.

Committee report to **HB 2010** be adopted; and the bill be passed as amended.

Committee report to **HB 2297** be adopted; and the bill be passed as amended.

On motion of Rep Brookens, **HCR 5010** be amended on page 2, after line 2, by inserting the following:

“(c) When the office of lieutenant governor is vacant, the governor shall fill the vacancy by appointment for the remainder of the term.”;

Also on page 2, in line 3, by striking “lieutenant gover-”; in line 4, by striking “nor.”; in line 16, by striking “lieutenant governor.”;

And by relettering the remaining subsection accordingly;

Also, roll call was demanded on motion recommend **HCR 5010** favorably for adoption.

On roll call, the vote was: Yeas 65; Nays 50; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Huntington, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Neighbor, Palmer, Pauls, Phelps, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Colloton, Donohoe, Faber, Kiegerl, King, Light, Meier, Morrison, Peterson, Sloan.

The motion prevailed and **HCR 5010** be adopted as amended.

Committee report to **HB 2197** be adopted; and the bill be passed as amended.

Committee report to **HB 2292** be adopted; and the bill be passed as amended.

Committee report to **HB 2201** be adopted; and the bill be passed as amended.

Committee report to **HB 2321** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2339** be adopted; also, on motion of Rep. Worley be amended on page 14, in line 31, before “the” by inserting “or the statements on standards for attestation engagements (SSAE)”;

and the substitute bill be passed as amended.

Committee report to **HB 2165** be adopted; and the bill be passed as amended.

On motion of Rep. Garcia, **HB 2125** be amended on page 1, in line 27, by striking “58-3071” and inserting “58-3701”; and the bill be passed as amended.

Rose and reported.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2095** be amended on page 2, following line 43, by inserting the following:

“(d) The board of education of any school district which has made a tax levy under subsection (b), at any time after the final levy is certified to the county clerk under any current authorization, may initiate procedures to renew its authority to make such levy in the same manner and subject to the same limitations provided in subsection (b).”;

And by relettering the remaining subsections accordingly;

On page 3, following line 6, by inserting the following:

“New Sec. 2. (a) There is hereby established in the state treasury the school district special 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 section 1, and amendments thereto, shall be entitled to receive payment from the school district special

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. 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 section 1, and amendments thereto;

(6) multiply the amount computed under (5) 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 special 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 special 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 special capital outlay fund of the school district to be used for the purposes of such fund.”;

Also on page 3, in line 15, by striking “board” and inserting “court”; following line 18, by inserting the following:

“(b) The amount of no-fund warrants issued by a district under this section shall not exceed an amount equal to the amount necessary to pay for teacher salaries and benefits as provided in the budget of the school district adopted after July 1, 2008 and any amendment to such budget adopted prior to the effective date of this act.

(c) In each school year, each district that has issued no-fund warrants under this section is eligible for entitlement to an amount of no-fund warrant state aid. Entitlement of a district to no-fund warrant state aid shall be determined by the state board as provided in this subsection. The state board shall:

(1) Determine the amount of the assessed valuation per pupil in the preceding school year of each district in the state;

(2) rank the districts from low to high on the basis of the amounts of assessed valuation per pupil determined under (1);

(3) identify the amount of the assessed valuation per pupil located at the 81.2 percentile of the amounts ranked under (2);

(4) divide the assessed valuation per pupil of the district in the preceding school year by the amount identified under (3);

(5) subtract the ratio obtained under (4) from 1.0. If the resulting ratio equals or exceeds 1.0, the eligibility of the district for entitlement to no-fund warrant state aid shall lapse. If the resulting ratio is less than 1.0, the district is entitled to receive no-fund warrant state aid in an amount which shall be determined by the state board by multiplying the amount of the no-fund warrants issued by the district by such ratio. The product is the amount of no-fund warrant state aid the district is entitled to receive for the school year.

(d) If the amount of appropriations for no-fund warrant state aid is less than the amount each district is entitled to receive for the school year, the state board shall prorate the amount appropriated among the districts in proportion to the amount each district is entitled to receive.

(e) The state board shall prescribe the dates upon which the distribution of payments of no-fund warrant state aid to school districts shall be due. Payments of no-fund warrant state aid shall be distributed to districts on the dates prescribed by the state board. The state board shall certify to the director of accounts and reports the amount due each district, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the district. Upon receipt of the warrant, the treasurer of the district shall credit the amount thereof to the no-fund warrant state aid fund of the district which is hereby created in each school district. Moneys in such fund shall be used to pay warrants issued pursuant to this section and any interest on such warrants.

(f) If any amount of no-fund warrant state aid that is due to be paid during the month of June of a school year pursuant to the other provisions of this section is not paid on or before June 30 of such school year, then such payment shall be paid on or after the ensuing July 1, as soon as moneys are available therefor. Any payment of no-fund warrant state aid that is due to be paid during the month of June of a school year and that is paid to school districts on or after the ensuing July 1 shall be recorded and accounted for by school districts as a receipt for the school year ending on the preceding June 30.

(g) For the purposes of determining the total amount of state moneys paid to school districts, all moneys appropriated as no-fund warrant state aid shall be deemed to be state moneys for educational and support services for school districts.”;

And by relettering the remaining subsection accordingly;

Also on page 3, by striking all in lines 21 through 28; following line 28, by inserting the following:

“New Sec. 4. (a) (1) The provisions of this subsection shall apply in any school year in which the amount of base state aid per pupil is \$4,433 or less.

(2) The board of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the base state aid per pupil was \$4,433 or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(b) (1) The provisions of this subsection shall apply in any school year in which the amount appropriated for state aid for special education and related services is less than the amount appropriated for state aid for special education and related services in school year 2008-2009.

(2) The board of education of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the district received state aid for special education and related services equal to the amount of state aid for special education and related services received in school year 2008-2009, or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(c) The board of education of any school district may exercise the authority granted under subsection (a) or (b) or both subsections (a) and (b).

(d) To the extent that the provisions of K.S.A. 72-6433, and amendments thereto, conflict with this section, this section shall control.”;

On page 7, by striking all in lines 33 through 43;

By striking all on pages 8, 9 and 10;

On page 11, by striking all in lines 1 through 4;
 And by renumbering the remaining sections accordingly;
 Also on page 11, in line 5, by striking “, 72-6433c, 72-8801 and”; in line 6, by striking “72-8814” and inserting “and 72-6433c”;
 In the title, in line 11, by striking “, 72-6433, 72-8801 and 72-8814” and inserting “and 72-6433”; and the bill be passed as amended.

Committee on **Government Efficiency and Fiscal Oversight** recommends **HB 2320** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2320,” as follows:

“Substitute for HOUSE BILL No. 2320

By Committee on Government Efficiency and Fiscal Oversight

“AN ACT concerning state finance; establishing the budget stabilization reserve fund in the state treasury; prescribing guidelines for expenditures from such fund and transfers between such fund and the state general fund; amending K.S.A. 2008 Supp. 75-3721 and repealing the existing section.”; and the substitute bill be passed.

(**Sub. HB 2320** was thereupon introduced and read by title.)

CHANGE OF REFERENCE

Speaker O’Neal announced the withdrawal of **HB 2275** from Committee on Health and Human Services and referral to Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 28; SB 46, SB 60, SB 122, SB 145, SB 148, SB 168, SB 171, SB 187, SB 219.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 28; SB 46, SB 60, SB 122, SB 145, SB 148, SB 168, SB 171, SB 187, SB 219.

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.

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 48; SB 53, SB 64, SB 72, SB 79, SB 83; Sub. SB 89; SB 103; Sub. SB 117; SB 119, SB 134, SB 138, SB 158, SB 159, SB 173, SB 183, SB 200, SB 249.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 48; SB 53, SB 64, SB 72, SB 79, SB 83; Sub. SB 89; SB 103; Sub. SB 117; SB 119, SB 134, SB 138, SB 158, SB 159, SB 173, SB 183, SB 200, SB 249.

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 **HB 2270, HB 2265, HB 2157** be passed.

Committee report to **HB 2219** be adopted; and the bill be passed as amended.

Committee report to **HB 2287** be adopted; also roll call was demanded on motion of Rep. Flaharty to refer the bill to Committee on Insurance.

On roll call, the vote was: Yeas 54; Nays 64; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Benlon, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Quigley, Rardin, Ruiz, Sawyer, Slattery, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Kerschen, Kiegerl, 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, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Colloton, Kelley, King, Light, Meier, Roth, Schwab.

The motion of Rep. Flaharty did not prevail; and **HB 2287** be passed as amended.

Committee report to **HB 2222** be adopted; and the bill be passed as amended.

Committee report to **HB 2077** be adopted; also, on motion of Rep. Kinzer to amend, Rep. Schwab offered a motion to refer the bill to Committee on Federal and State Affairs. The motion prevailed and the bill be referred to Committee on Federal and State Affairs.

Committee report to **HB 2142** be adopted; also, on motion of Rep. A. Brown to amend, Rep. Grange 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 **Sub. HB 2143** be adopted; also, on motion of Rep. Burroughs be amended on page 15, following line 4, by inserting the following:

“New Sec. 10. The provisions of sections 1 and 2, and amendments thereto, shall be known as Cody’s law.”;

By renumbering sections accordingly; and **Sub. HB 2143** be passed as amended.

Committee report to **HB 2162** be adopted; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2250, HB 2260 reported correctly engrossed February 18, 2009.

HB 2002, HB 2193, HB 2236 reported correctly engrossed February 19, 2009.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Friday, February 20, 2009.

Journal of the House

TWENTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 20, 2009, 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.

Rep. Roth was excused on verified illness.

Reps. Colloton, Crum, George, Meier and Sawyer were excused on excused absence by the Speaker.

Rep. K. Wolf was excused later in the morning on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Barb Sundermeyer, Assistant Pastor, Family Life Church of the Nazarene, Topeka:

God, our Heavenly Father,

We know that you hear each and every word we speak, whether it be in praise to you or out of concern for situations in our lives, so we thank you for the privilege to be in Your presence this morning.

I thank you for the dedication of each of these standing here.

And, this morning I pray Psalm 16:7&8 over each one:

"I will bless the Lord who counsels me; for He gives me wisdom in the night. He tells me what to do. I am always thinking of the Lord and because He is so near, I never need to stumble or to fall."

I pray today, that you will *give counsel* and bless *this* day's work by each representative that they, like King David in this psalm, will never need "stumble or fall." Remind them to *bathe in prayer* their work load for this day—that they may govern today—this great state of Kansas—*through Your wisdom*.

Then, I pray that You will go with each one at the close of this day, as they return to their homes, their families, their places of worship . . . to be rested, renewed and restored in You.

We pray today for Representative Colloton and her family in the loss of her sister.

I pray this in the name of Jesus the Christ, Amen.

The Pledge of Allegiance was led by Rep. Grange.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Aging and Long Term Care: **SB 148**.

Agriculture and Natural Resources: **SB 64**, **SB 183**.

Corrections and Juvenile Justice: **Sub. SB 28**.

Economic Development and Tourism: **SB 119**.

Elections: **SB 79**, **SB 103**, **Sub. SB 117**, **SB 171**.

Energy and Utilities: **Sub. SB 48**.

Federal and State Affairs: **SB 53**, **SB 187**.

Financial Institutions: **SB 72**.

Health and Human Services: **SB 83**, **SB 173**, **SB 200**, **SB 249**.

Insurance: **Sub. SB 89.**
 Judiciary: **SB 134, SB 158, SB 159, SB 168.**
 Taxation: **HB 2352, HB 2353; SB 138.**
 Transportation: **SB 46, SB 60, SB 122, SB 145.**
 Select Committee on KPEERS: **SB 219.**

MESSAGE FROM THE SENATE

Announcing passage of **SB 9, SB 37, SB 39; Sub. SB 58; SB 59, SB 69, SB 84, SB 87, SB 105, SB 120, SB 152, SB 154, SB 160, SB 162, SB 163, SB 175, SB 203, SB 228, SB 237, SB 238, SB 240.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 9, SB 37, SB 39; Sub. SB 58; SB 59, SB 69, SB 84, SB 87, SB 105, SB 120, SB 152, SB 154, SB 160, SB 162, SB 163, SB 175, SB 203, SB 228, SB 237, SB 238, SB 240.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2010. An act concerning state board of healing arts; relating to storage, maintenance and transfer of medical records; creating medical records maintenance trust fund; amending K.S.A. 2008 Supp. 65-28,128 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 110; Nays 9; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Donohoe, Faber, Huebert, Kelley, Kinzer, Merrick, Powell, Siegfried.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed, as amended.

HB 2054. An act relating to insurance; concerning title insurance; amending K.S.A. 40-1137 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 8; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Craft, Crow, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, 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, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Carlson, Donohoe, Gordon, Kelley, Kinzer, Landwehr, Siegfried.
Present but not voting: None.
Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.
The bill passed.

HB 2098, An act concerning crimes, punishment and criminal procedure; relating to sexual offenses; amending K.S.A. 21-3525 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed.

HB 2125, An act concerning registers of deeds; pertaining to duties regarding plats; amending K.S.A. 19-1207, 58-3115 and 58-3707 and repealing the existing sections, 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed, as amended.

HB 2126, An act concerning telecommunications; relating to providing caller location in emergency situations, 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, John-

son, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Peck.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed, as amended.

HB 2142, An act concerning licensure and continuing education requirements for certain trades and crafts; amending K.S.A. 2008 Supp. 12-1509, 12-1526 and 12-1542 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 2; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Davis, DeGraaf, Dillmore, Donohoe, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Faber, Otto.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed, as amended.

Sub. HB 2143, An act relating to driver's licenses; providing for certain restrictions; amending K.S.A. 8-235d, 8-239, 8-291, 8-296 and 8-297 and K.S.A. 2008 Supp. 8-234a and 8-237 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 103; Nays 16; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, Horst, Huntington, Jack, Johnson, Kelley, Kerschen, King, Kleeb, Knox, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Donohoe, Faber, Gordon, M. Holmes, Huebert, Kiegerl, Kinzer, Landwehr, Lane, McLeland, Neufeld, Peck, Powell, Schroeder, Yoder.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The substitute bill passed, as amended.

HB 2155, An act concerning land banks; relating to the establishment of the city of Topeka land bank, was considered on final action.

On roll call, the vote was: Yeas 81; Nays 38; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Johnson, Kerschen, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Morrison, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Prescott, Proehl, Rardin, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Sloan, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, B. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Brunk, Carlson, DeGraaf, Donohoe, Faber, Grange, Hayzlett, Hermanson, Huebert, Huntington, Jack, Kelley, Kiegerl, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Moxley, O'Brien, Peck, Pottorff, Powell, Quigley, Rhoades, Schwab, Siegfried, Slattery, Spalding, Tafanelli, Vickrey, Watkins, Whitham, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed.

HB 2157. An act concerning the Topeka/Shawnee county riverfront authority act; amending K.S.A. 2008 Supp. 12-5611 and repealing the existing section, 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, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Davis, DeGraaf, Donohoe, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, 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, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Dillmore, Faber, Neufeld.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed.

HB 2162. An act concerning the behavioral sciences; marriage and family therapists and psychologists; amending K.S.A. 65-6404 and 74-5310 and repealing the existing sections, 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, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Davis, DeGraaf, Dillmore, Donohoe, Faber, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Feuerborn, Powell, Ward.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed, as amended.

HB 2164, An act concerning judges and justices; relating to retirement age; amending K.S.A. 20-2608 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 72; Nays 47; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bowers, Brookens, T. Brown, Brunk, Burroughs, Carlin, Carlson, Craft, Crow, Davis, Faber, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, Gordon, Goyle, Grant, Hawk, Henderson, Hineman, Horst, Huntington, Jack, Kinzer, Kleeb, Kuether, Loganbill, Long, Mah, Maloney, McCray-Miller, Menghini, Morrison, Moxley, Myers, Neighbor, O'Neal, Palmer, Patton, Pauls, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Ruiz, Schwab, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Talia, Tietze, Trimmer, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Bethell, A. Brown, Burgess, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, S. Gatewood, Goico, Grange, Hayzlett, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Huebert, Johnson, Kelley, Kerschen, Kiegerl, King, Knox, Landwehr, Lane, Light, Lukert, Mast, McLeland, Merrick, Neufeld, O'Brien, Olson, Otto, Peck, Pottorff, Rhoades, Schroeder, Schwartz, Siegfried, Swenson, Tafanelli, Vickrey, Ward, Watkins.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2164** because it amounts to extending the contract of employees that are not doing a good job now.—BILL OTTO

MR. SPEAKER: Although I do not believe this body should be telling the judicial branch when judges must retire, I vote yes on **HB 2164** because it provides more flexibility. I believe this body has a duty to show respect for fellow public servants in the judiciary.—MARTI CROW

HB 2165, An act concerning crimes and punishment; relating to unlawfully hosting minors; amending K.S.A. 21-3610c 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Powell.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed, as amended.

HB 2197, An act concerning state educational institutions; relating to the admission of students thereto; amending K.S.A. 76-717 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 3; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: D. Gatewood, S. Gatewood, Ward.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed, as amended.

HB 2201. An act concerning child support enforcement; relating to conditions placed on licensees; amending K.S.A. 74-147 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Crow, Davis, DeGraaf, Dillmore, Donohoe, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, 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, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Craft, Faber, Lane, Powell, Schwartz.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed, as amended.

HB 2219. An act concerning the Kansas performance measurement commission; amending K.S.A. 2008 Supp. 74-72,121 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed, as amended.

HB 2222, An act concerning state agencies; relating to the collection of licenses, fees, charges, taxes and exactions, was considered on final action.

On roll call, the vote was: Yeas 93; Nays 26; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Goyle, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Johnson, Kerschen, King, Kleeb, Knox, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Brunk, Carlson, DeGraaf, Donohoe, Faber, Feuerborn, Gordon, Grange, Hayzlett, Huebert, Huntington, Jack, Kelley, Kiegerl, Kinzer, Landwehr, Lane, Mast, McLeland, Merrick, O'Brien, Peck, Powell, Siegfried, Whitham.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed, as amended.

HB 2265, An act concerning the legislative post audit act; relating to periodic audits of the state treasurer and the pooled money investment board; transition audits; amending K.S.A. 2008 Supp. 46-1106 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed.

HB 2267, An act concerning the Kansas commission on veterans affairs; relating to the membership thereof; amending K.S.A. 73-1208a 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, John-

son, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed.

HB 2270, An act concerning income taxation; relating to apportionment of business income; amending K.S.A. 2008 Supp. 79-3279 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed.

HB 2287, An act pertaining to health reimbursement arrangements, was considered on final action.

On roll call, the vote was: Yeas 57; Nays 62; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, 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, Powell, Prescott, Rhoades, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Tafanelli, Vickrey, Watkins, Whitham, Worley, Yoder.

Nays: Ballard, Benlon, Bethell, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Ruiz, Schwab, Slattery, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill did not pass.

HB 2292, An act concerning consumer credit; relating to security freeze on consumer reports; amending K.S.A. 2008 Supp. 50-702 and 50-723 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed, as amended.

HB 2297, An act concerning geriatric medicine; relating to approved postgraduate residency training program for the university of Kansas school of medicine and the doctor of osteopathy medical student loan programs; amending K.S.A. 2008 Supp. 74-3266 and 76-381 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed, as amended.

HB 2308, An act concerning the personal and family protection act; amending K.S.A. 2008 Supp. 75-7c03 and 75-7c05 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan,

Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed.

HB 2321, An act concerning sales taxation; relating to Kansas retailers' sales tax act; political subdivisions thereunder; horsethief reservoir benefit district; amending K.S.A. 2008 Supp. 79-3602 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 7; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Craft, Crow, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, 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, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Donohoe, Faber, Frownfelter, Lane, Loganbill, Peck.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The bill passed, as amended.

Sub. HB 2339, An act concerning certified public accountants; relating to licensure, examination, registration and peer review; amending K.S.A. 1-307, 1-315 and 1-322 and K.S.A. 2008 Supp. 1-301, 1-302b, 1-308, 1-310, 1-311, 1-312, 1-316, 1-321 and 1-501 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 17; Present but not voting: 0; Absent or not voting: 6.

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

Nays: A. Brown, Carlson, Donohoe, Faber, Gordon, Hayzlett, Huebert, Jack, Kelley, Kiegerl, Kinzer, Landwehr, Merrick, O'Brien, Powell, Siegfried, Watkins.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

The substitute bill passed, as amended.

HCR 5010, A proposition to amend section 11 of article 1 of the constitution of the state of Kansas, relating to filling vacancies in executive offices.

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 11 of article 1 of the constitution of the state of Kansas is hereby amended to read as follows:

“§ 11. **Vacancies in executive offices.** When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the disability of the governor, the lieutenant governor shall assume the powers and duties of governor until the disability is removed. The legislature shall provide by law for the succession to the office of governor should the offices of governor and lieutenant governor be vacant, and for the assumption of the powers and duties of governor during the disability of the governor, should the office of lieutenant governor be vacant or the lieutenant governor be disabled. When the office of secretary of state or attorney general is vacant, the governor shall fill the vacancy by appointment for the remainder of the term. If the secretary of state or attorney general is disabled, the governor shall name a person to assume the powers and duties of the office until the disability is removed. The procedure for determining disability and the removal thereof shall be provided by law. (a) When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the disability of the governor, the lieutenant governor shall assume the powers and duties of governor until the disability is removed. The procedure for determining disability and the removal thereof shall be provided by act of the legislature.

(b) In the event of the disability of the secretary of state or attorney general, the governor shall name a person to assume the powers and duties of the office until the disability is removed. The procedure for determining disability and the removal thereof shall be provided by act of the legislature.

(c) When the office of lieutenant governor is vacant, the governor shall fill the vacancy by appointment for the remainder of the term.

(d) (1) Whenever a vacancy occurs in the office of attorney general, secretary of state, state treasurer or commissioner of insurance, the governor shall immediately notify in writing the chairperson of the state central committee of the political party which elected the last incumbent of such office. Such chairperson shall call a meeting of the state central committee to be held not later than 15 days after the chairperson receives notice of the vacancy. At the meeting the state central committee shall select and transmit to the governor the name of a person qualified to fill the vacancy. Within five days after receiving the name of the person selected, the governor shall appoint the named person to fill the vacancy by appointment until the next general election after such vacancy occurs, when such vacancy shall be filled by election as provided by act of the legislature.

(2) Whenever a vacancy occurs in the office of attorney general, secretary of state, state treasurer or commissioner of insurance and the immediately past incumbent of such office was an independent without political party affiliation, the vacancy shall be filled by appointment by the governor as provided by law until the next general election after such vacancy occurs, when such vacancy shall be filled by election as provided by act of the legislature.”

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

“*Explanatory statement.* This amendment would clarify and prescribe the method for filling vacancies of the offices of governor, lieutenant governor, attorney general, secretary of state, state treasurer and commissioner of insurance.

“A vote for this amendment would clarify and prescribe the method for filling vacancies in statewide elected offices, providing for the more immediate input of Kansas voters in the fulfillment of mid-term vacancies.

“A vote against this amendment would continue the current method for filling such vacancies.”

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 the year 2010.

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

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, DeGraaf, Donohoe, Faber, Fund, 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'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Neighbor, O'Brien, Palmer, Pauls, Peterson, Phelps, Quigley, Rardin, Ruiz, Slattery, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer.

A two-thirds majority of the members elected to the House not having voted in the affirmative, the resolution was not adopted.

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 **HB 2131**, **HB 2152**, **HB 2214** be passed.

Sub. HB 2320 be passed over and retain a place on the calendar.

Committee report to **HB 2171** be adopted; and the bill be passed as amended.

On motion of Rep. Mast to amend **HB 2130**, Rep. Ballard requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane, and the bill be passed.

Committee report to **HB 2195** be adopted; and the bill be passed as amended.

On motion of Rep. Landwehr, **HB 2235** be referred to Committee on Appropriations.

Committee report to **HB 2158** be adopted; and the bill be passed as amended.

On motion of Rep. Dillmore to amend **HB 2134**, the motion did not prevail, and the bill be passed.

Committee report to **HB 2188** be adopted; and the bill be passed as amended.

Committee report to **HB 2258** be adopted; also, on motion of Rep. Mah be amended on page 15, in line 32, by striking "quarterly" and inserting "monthly"; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick pursuant to House Rule 2311, **HB 2131**, **HB 2130**, **HB 2171**, **HB 2195**, **HB 2158**, **HB 2152**, **HB 2214**, **HB 2134**, **HB 2188**, **HB 2258** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2131, An act relating to motor vehicles; concerning license plates for disabled veterans; amending K.S.A. 8-160 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 111; Nays 7; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Craft, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Frownfelter, Fund, Furtado, Garcia, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Maloney, Mast, McCray-Miller, McLeland, 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, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Burroughs, Crow, Flaharty, D. Gatewood, Kuether, Mah, Tietze.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer, K. Wolf.

The bill passed.

HB 2130. An act relating to motor vehicles; providing for the support Kansas arts license plate; amending K.S.A. 2008 Supp. 8-1,141 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 6; Present but not voting: 1; Absent or not voting: 7.

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

Nays: Burroughs, Crow, Flaharty, D. Gatewood, O'Brien, Peck.

Present but not voting: Moxley.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer, K. Wolf.

The bill passed.

HB 2171. An act concerning the Kansas commission on veterans affairs; relating to the Vietnam war era medallion program; prescribing guidelines and limitations, powers and duties, 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer, K. Wolf.

The bill passed, as amended.

HB 2195. An act concerning state records; relating to maintenance and certification of electronic records; amending K.S.A. 45-406 and 75-3519 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 1; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: A. Brown.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer, K. Wolf.

The bill passed, as amended.

HB 2158. An act concerning the Kansas highway patrol; pertaining to the ability of officers and members of the highway patrol to hold public office; amending K.S.A. 2008 Supp. 74-2113 and repealing the existing section, 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer, K. Wolf.

The bill passed, as amended.

HB 2152. An act relating to motor vehicles; concerning towed vehicles; amending K.S.A. 2008 Supp. 8-1103 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding,

Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: A. Brown, Powell, Whitham.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer, K. Wolf.

The bill passed.

HB 2214, An act relating to insurance; concerning risk-based capital requirements; amending K.S.A. 2008 Supp. 40-2c01 and repealing the existing section; also repealing K.S.A. 2008 Supp. 40-2c01a, was considered on final action.

On roll call, the vote was: Yeas 78; Nays 40; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Craft, Davis, Dillmore, Finney, Flaharty, Frownfelter, Fund, Furtado, Goico, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, Horst, Huntington, Johnson, Kerschen, Kleebe, Knox, Light, Loganbill, Long, Lukert, Maloney, McCray-Miller, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Palmer, Patton, Pauls, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Talia, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf, Yoder.

Nays: A. Brown, Brunk, Carlin, Carlson, Crow, DeGraaf, Donohoe, Faber, Feuerborn, Garcia, D. Gatewood, S. Gatewood, Gordon, Grange, M. Holmes, Huebert, Jack, Kelley, Kiegerl, King, Kinzer, Kuether, Landwehr, Lane, Mah, Mast, McLeland, Merrick, O'Brien, Otto, Peck, Peterson, Powell, Siegfried, Tafanelli, Tietze, Vickrey, Watkins, Whitham, Worley.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer, K. Wolf.

The bill passed.

HB 2134, An act relating to motor vehicles; concerning distinctive license plates; amending K.S.A. 2008 Supp. 8-1,141 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 87; Nays 31; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Fund, D. Gatewood, S. Gatewood, Goico, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleebe, Knox, Landwehr, Light, Long, Maloney, Mast, McLeland, Menghini, Merrick, Morrison, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rardin, Rhoades, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, Worley, Yoder.

Nays: Aurand, Benlon, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Flaharty, Frownfelter, Furtado, Garcia, Gordon, Hawk, Huntington, Kuether, Lane, Loganbill, Lukert, Mah, McCray-Miller, Moxley, Myers, Neighbor, Quigley, Ruiz, Schwab, Sloan, Tietze, Trimmer, Winn.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer, K. Wolf.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HB 2134**. It is OK to exempt one group simply because the state can possibly capitalize financially on the group and not exempt families who have lost loved ones in time of war. I am asking you to vote no and let's do it right next time. There is still time to do this in an exempt committee this session.—DON MYERS, TERRIE HUNTINGTON, CINDY NEIGHBOR, LANA GORDON

HB 2188, An act amending the vehicle dealers and manufacturers licensing act; providing

for a dealer-hauler full-privilege trailer license plate; amending K.S.A. 8-2406 and 8-2425 and repealing the existing sections, 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer, K. Wolf.

The bill passed, as amended.

HB 2258, An act relating to the vehicle dealers and manufacturers licensing act; providing for the licensing and regulation of certain dealers; amending K.S.A. 8-135c, 8-1,137, 8-2408, 8-2434 and 8-2436 and K.S.A. 2008 Supp. 8-2401 and 8-2404 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 33; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, T. Brown, Brunk, Burgess, Carlin, Craft, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Huntington, Johnson, King, Kleeb, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, Worley.

Nays: Brookens, A. Brown, Burroughs, Carlson, DeGraaf, Donohoe, Frownfelter, Gordon, Hermanson, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Light, McLeland, Merrick, Neufeld, Patton, Peck, Pottorff, Powell, Schroeder, Schwab, Schwartz, Siegfried, Tafanelli, Watkins, Yoder.

Present but not voting: None.

Absent or not voting: Colloton, Crum, George, Meier, Roth, Sawyer, K. Wolf.

The bill passed, as amended.

CHANGE OF REFERENCE

Speaker pro tem Siegfried announced the withdrawal of **HB 2238** from Committee on Commerce and Labor 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. 40, by Representative Henry, commending Christian Peter Johanning on achieving the Eagle Scout Award;

Request No. 41, by Representative Henry, commending John Michael Eplee on achieving the Eagle Scout Award;

Request No. 42, by Representatives Winn and Henderson, honoring Ed Dwight for outstanding contributions to America as the first African American Astronaut Trainee, USAF Officer and Pilot, and Entrepreneur;

Request No. 43, by Representative Hineman, congratulating Wichita County Junior High School for winning the national Dance for Health contest, fundraising and promoting healthy lifestyles;

Request No. 44, by Representative Mast, commending Scott Jeffrey Jones on receiving the Eagle Scout award;

Request No. 45, by Representative Mast, commending Aaron Guy Skillman on receiving the Eagle Scout award;

Request No. 46, by Representative Tom Moxley, congratulating Donald and Frances Wilson on their 70th Wedding Anniversary;

Request No. 47, by Representatives Winn and Henderson, honoring Dr. Barbara Rhone Dwight, for her contributions to African American progress in the 20th and 21st centuries and recognizing her as an outstanding Kansas City Kansan;

Request No. 48, by Representative Kerschen, congratulating Farmers Coop Elevator of Garden Plain for 75 years of service to members;

Request No. 49, by Representative Bowers, commending Jonathan Robert Mosher on receiving the Eagle Scout award;

Request No. 50, by Representative Bowers, congratulates Sally and Dick Brooks on their 65th Wedding Anniversary;

Request No. 51, by Representatives Powell, Whitham and Hayzlett, offering congratulations on be elected President of the National Conservation District Employees Association; 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. 6011—

By Committee on Energy and Utilities

A RESOLUTION requesting the State Corporation Commission to convene a group of stakeholders to study certain aspects of energy storage and to address cost recovery for and earnings on certain investments relating to energy storage.

Be it resolved by the House of Representatives of the State of Kansas: The State Corporation Commission is hereby requested to convene a group of stakeholders, including, but not limited to, representatives of the energy storage industry, electric utilities, southwest power pool, renewable energy generators and transmission operators, to study energy storage as a cost-effective way to stabilize renewable energy generation, address transmission congestion costs, increase system reliability to customers and increase the potential for distributive generation and to study other energy storage issues as the Commission and stakeholders deem appropriate. The Commission is requested to submit to the Legislature a report and recommendations relating to the study on or before January 1, 2010, and to adopt and implement appropriate rules and regulations to address energy storage devices by that date; and

Be it further resolved: The Commission is requested to establish the method of cost recovery and earnings on investments in energy storage devices by electric utilities, regardless of whether such devices are owned by such utilities or by third parties, assuming a 20-year life expectancy for such storage devices, including compressed air energy storage devices. The Commission is requested to submit its report and recommendations on such method in the report submitted to the Legislature on or before January 1, 2010; and

Be it further resolved: The Commission is requested to address cost recovery if energy storage is used in conjunction with generation and to request, through the regional committee of the Southwest Power Pool (SPP), that the SPP determine how it should be treated and to report to the Legislature on or before January 1, 2011, regarding such cost recovery.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to House Rule 2306, the following bills were withdrawn from the calendar under the heading General Orders and were referred to Committee on Appropriations:

Sub. HB 2014; Sub. HB 2029; HB 2032, HB 2040, HB 2084, HB 2103, HB 2121, HB 2144, HB 2154, HB 2160, HB 2198, HB 2249, HB 2259; Sub. HB 2320.

REPORT ON ENGROSSED BILLS

HB 2010, HB 2125, HB 2126, HB 2165, HB 2197, HB 2201, HB 2292, HB 2297, HB 2321; Sub. HB 2339 reported correctly engrossed February 19, 2009.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5010 reported correctly engrossed February 19, 2009.

REPORT ON ENROLLED BILLS

HB 2026 reported correctly enrolled, properly signed and presented to the governor on February 20, 2009.

REPORT ON ENROLLED RESOLUTIONS

HR 6010 reported correctly enrolled and properly signed on February 20, 2009.

On motion of Rep. Merrick, the House adjourned pro forma until 4:00 p.m., Tuesday, February 24, 2009.

Journal of the House

THIRTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 24, 2009, 4:00 p.m.

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **SB 203**.

Commerce and Labor: **SB 160**.

Economic Development and Tourism: **SB 120**.

Education: **SB 84, SB 162, SB 175**.

Energy and Utilities: **HR 6011; Sub. SB 58**.

Federal and State Affairs: **SB 238**.

Financial Institutions: **SB 39, SB 163, SB 240**.

Insurance: **SB 105**.

Judiciary: **SB 69, SB 87, SB 154, SB 237**.

Taxation: **SB 228**.

Transportation: **SB 37, SB 59, SB 152**.

Education Budget: **SB 9**.

CHANGE OF REFERENCE

Speaker pro tem Siegfried announced the withdrawal of **Sub. HB 2014, Sub. HB 2029; HB 2032, HB 2040, HB 2084, HB 2121, HB 2154, HB 2160** and **Sub. HB 2320** from Committee on Appropriations and re-referral to Committee of the Whole.

Also, the withdrawal of **HB 2008** from Committee on Appropriations and re-referral to Committee on Education.

Also, the withdrawal of **HB 2075** from Committee on Appropriations, and re-referral to Committee on Insurance.

Also, the withdrawal of **HB 2083** from Committee on Appropriations and re-referral to Committee on Local Government.

Also, the withdrawal of **HB 2249** from Committee on Appropriations and re-referral to Committee on Government Efficiency and Fiscal Oversight.

MESSAGES FROM THE GOVERNOR

HB 2026 approved on February 20, 2009.

REPORT ON ENGROSSED BILLS

HB 2142; Sub. HB 2143; HB 2158, HB 2162, HB 2171, HB 2188, HB 2195, HB 2219, HB 2222, HB 2258, HB 2287 reported correctly engrossed February 20, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, February 25, 2009.

Journal of the House

THIRTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 25, 2009, 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. Hermanson was excused on verified illness.
Reps. Peterson, Tafanelli and Winn were excused on excused absence by the Speaker.
Upon the resignation of Rep. Meier on February 21 to serve with the United States Army Reserves in Iraq, the House is now organized with 124 members.

Prayer by guest chaplain, the Rev. Max Clayton, pastor, First United Methodist Church, Topeka, and guest of Rep. Tietze:

Eternal God, You know us better than we know ourselves, we praise Your name. As this session is called to order may we gain a new awareness of life and a new dedication to its principles. As we vote and make decisions may we listen to Your leading. We give You thanks for the abundance of our existence and for the eternal vision of the Godly life which our faith offers to us. We are strengthened by the assurance that yesterday did not conclude Your dealings with us and that today cannot exhaust Your infinite possibilities.

O God help this body of legislators live their lives today, but enable them to keep tomorrow in their hearts. Empower us all to serve in the present but maintain that vision of an even better future. Strengthen us by the assurance that just as the hairs on our head are numbered so the very moments of our lives are lived in communion with You.

We pray in the name of Jesus the Christ on this day called Ash Wednesday that reminds us of your great sacrifice and love for each of us. Amen.

The Pledge of Allegiance was led by Rep. Grant.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Powell are spread upon the journal:

Connie Richmeier, elected recently as the President of the National Conservation District Employees Association, represents 8900 conservation employees nationwide. The employee organization supports the National Association of Conservation Districts' mission and the goals of the individual districts. Connie served on the Board of Directors for six years; as Treasurer for two years; and as Vice President for two years.

It is a privilege to introduce Connie Richmeier and her husband, Gary, to the House of Representatives, and on behalf of Reps. Hayzlett and Whitham, I present her with a framed House certificate from the entire Finney County delegation.

Rep. Crum introduced Emily Deaver, Augusta, who is Miss Kansas for 2008. He presented her with a framed House certificate.

COMMUNICATIONS FROM STATE OFFICERS

From Sandy Praeger, Commissioner of Insurance, 2008 Annual Report of the Kansas Insurance Department.

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

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6012—

By Representatives Grant and Menghini

A RESOLUTION congratulating the Pittsburg State University assistant head football coach and offensive coordinator Tim Beck.

WHEREAS, Offensive coordinator Tim Beck of the Pittsburg State Gorillas football team was nominated by his peers for the 2008 FootballScoop.com NCAA Division II Coordinator of the Year award and selected by a panel of former coaches and players as the coordinator of the year; and

WHEREAS, Coach Beck has served as offensive coordinator at his alma mater for 15 seasons, dating back to 1994; and

WHEREAS, Over the last five seasons, the Gorillas' option offense run by Coach Beck has scored 2,902 points (44.6 points per game) and compiled 32,559 total yards of offense (500.9 yards per game), ranking the Gorillas either number one or two nationally in both scoring and total offense in three of the last five seasons; and

WHEREAS, In 2004, Coach Beck's offense staked its claim as the most prolific in the history of NCAA football, leading Division II in scoring with 55.8 points per game, rushing with 354.7 yards per game, total yards of offense with 598.4 yards per game and breaking the 118 year-old all-time NCAA single-season scoring record with 837 points, shattering the old mark of 765 points set by Harvard in 1886; and

WHEREAS, During the 2008 season, Coach Beck led the Gorillas offense to an average of 35.5 points per game and 432.7 yards of total offense per game, en route to an 11-2 record and the second round of the NCAA Division II playoffs: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate Coach Tim Beck for winning the 2008 FootballScoop.com NCAA Division II Coordinator of the Year award, that we commend him for helping to craft yet another winning season and that we wish him continued success in the future; 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 Menghini for presentation to Coach Tim Beck and two additional copies to be mailed to the Pittsburg State University President's office, 207 Russ Hall, Pittsburg State University, Pittsburg, KS, 66762.

HOUSE RESOLUTION No. 6013—

By Representatives Grant and Menghini

A RESOLUTION congratulating the Pittsburg State University head football coach Chuck Broyles.

WHEREAS, The Liberty Mutual Football Coach of the Year award honors coaches who best exemplify excellence in coaching based on their on-field coaching results, sportsmanship and integrity, the academic excellence of their student-athletes and their community commitment; and

WHEREAS, Coach Broyles, who also serves as director of intercollegiate athletics, recently completed his 19th season as head football coach, guiding the Pittsburg State Gorillas to an 11-2 overall record and a 15th appearance in the NCAA Division II national playoffs in 2008; and

WHEREAS, During his successful tenure as Pitt State head football coach, Coach Broyles has achieved a 193-41-2 overall record, averaging more than 10 wins per season; and

WHEREAS, In 1999, Coach Broyles became the first coach since the 1890's to record his 100th coaching victory in fewer than 10 full seasons; and

WHEREAS, Coach Broyles led the Gorillas to the 1991 NCAA Division II National Championship, as well as appearances in the 1992, 1995 and 2004 NCAA Division II National Championship games; and

WHEREAS, Coach Broyles' unfailing coaching excellence is further demonstrated by the fact that the Gorillas have qualified for the NCAA Division II playoffs 15 times during his 19-year tenure; and

WHEREAS, Coach Broyles' sterling leadership continues in the classroom, where he has coached 15 ESPN The Magazine Academic All-Americans since January 2000, leading all schools in Division II and second among all national college football programs; and

WHEREAS, Coach Broyles' charitable contributions have been numerous and wide-ranging, including his significant support for memorial scholarships in the names of his late son Kyle and former Pitt State Gorillas athletic director Tommy Riggs; his organization of the Gorillas' annual YMCA Youth Football Day; his coordination of team involvement in Project Franklin to restore the nearby tornado ravaged community; the annual campus "Big Event" town spring clean-up project; and facilitating his team's visits to local elementary schools to read with students; and

WHEREAS, Coach Broyles exemplifies the characteristics of a coach whose leadership not only makes great football players, but also makes great citizens: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate Coach Chuck Broyles for winning the 2008 NCAA Division II Liberty Mutual Football Coach of the Year award and that we wish him continued success in the future; 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 Menghini for presentation to Coach Chuck Broyles and two additional copies to be mailed to the Pittsburg State University President's office, 207 Russ Hall, Pittsburg State University, Pittsburg, KS, 66762.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, February 26, 2009.

Journal of the House

THIRTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 26, 2009, 11:00 a.m.

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

**OFFICE OF THE GOVERNOR
STATE OF KANSAS
CERTIFICATE OF APPOINTMENT**

I, KATHLEEN SEBELIUS, Governor of the State of Kansas, hereby appoint and commission Donald Navinsky as State Representative, District 40, and authorize this appointee to discharge the duties of this office upon fulfilling all legal requirements.

Signed this 24th day of February, 2009.

KATHLEEN SEBELIUS
Governor

**STATE OF KANSAS
OFFICE OF
SECRETARY OF STATE**

I, RON THORNBURGH, Secretary of State of the State of Kansas, do hereby certify that Donald Navinsky was appointed by the Governor effective February 24, 2009, for the unexpired term Fortieth District of the House of Representatives, to fill the vacancy created by the resignation of Melanie Meier.

IN TESTIMONY WHEREOF, I hereunto subscribed my name and caused to be affixed my official seal this 25th day of February, A.D. 2009.

RON THORNBURGH
Secretary of State

The House is now organized with 125 members.

The roll was called with 123 members present.

Reps. Henry and Tafanelli were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord,

This has been a couple of rough weeks.
Decisions are being made that in no way
can make everyone happy.

The reality is that making everyone happy
is not the ultimate goal.

The goal we each want to reach is
that which Your Word gives to us,
“. . . to act justly and to love mercy
and to walk humbly with your God.”

(Micah 6:8)

Therefore, we will do what you ask us to do

in the words of Your prophet, Jeremiah,
 “Stand at the crossroads and look . . .
 ask where the good way is, and walk in it,
 and (*we*) will find rest for (*our*) souls.”

(Jeremiah 6:16)

In Christ’s Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Gordon.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2354, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, by Committee on Appropriations.

HB 2355, 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, by Committee on Appropriations.

HB 2356, An act concerning child care facilities; amending K.S.A. 65-504 and 65-512 and repealing the existing sections, by Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Merrick, **HR 6014**, by Reps. O’Neal and Davis, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6014—

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 2009 regular session shall occupy the same seats assigned pursuant to 2009 House Resolution No. 6005 with the following exception: Navinsky, seat No. 92.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Grant, **HR 6012**, A resolution congratulating the Pittsburg State University assistant head football coach and offensive coordinator Tim Beck, was adopted.

The following remarks were addressed to members of the House by Rep. Menghini:

Mr. Speaker I would like to introduce part of the Pittsburg State University family: Dr. Tom Bryant, President; Mr. John Patterson, Vice President; Dr. Steve Scott, Provost; Dr. Howard Smith, Assistant to the President; Coach Broyles lovely wife Helen, and the other members of the Gorilla Nation, welcome to Topeka.

It is my pleasure to introduce to you, two outstanding coaches from Pittsburg State University. Assistant Coach and Offensive Coordinator Tim Beck and Head Coach and Athletic Director Chuck Broyles.

2008 FootballScoop.com Division II Coordinator of the Year *Pittsburg State University assistant head football coach/offensive coordinator Tim Beck has been named the 2008 FootballScoop.com NCAA Division II Coordinator of the Year. Beck was nominated by his peers and was selected by a panel of former coaches and players for the inaugural award. Beck has served as offensive coordinator at his alma mater for 15 seasons (1994-2008).

In the last five seasons (2004-08), Beck’s option offense has scored 2,902 points (44.6 points pg) and compiled 32,559 total yards (500.9 yards pg), ranking either No. 1 or No. 2 nationally in both scoring and total offense in three of the last five seasons.

In 2004, Beck’s offense staked its claim as the most prolific unit in the history of NCAA football, leading Division II in scoring (55.8 ppg), rushing (354.7 ypg) and total offense (598.4 ypg). Pitt State broke the NCAA’s 118-year-old all-time all division scoring record with 837 points, besting the old mark of 765 points set by Harvard in 1886.

The Gorillas averaged 35.5 points and 432.7 total yards per game in compiling an 11-2 record and reaching the second round of the NCAA-II playoffs this past fall.

Also, on motion of Rep. Menghini, **HR 6013**, A resolution congratulating the Pittsburg State University head football coach Chuck Broyles, was adopted.

The following remarks were addressed to members of the House by Rep. Grant:

2008 Liberty Mutual Division II Coach of the Year Pittsburg State University head football coach Chuck Broyles was selected as the 2008 NCAA Division II Liberty Mutual Football Coach of the Year. The award honors coaches who best exemplify excellence in coaching based on their on-field coaching results, sportsmanship and integrity, academic excellence of their student-athletes, and their community commitment.

Broyles, who also serves as director of intercollegiate athletics, recently completed his 19th season as head football coach at his alma mater, guiding the Gorillas to an 11-2 overall record and a 15th appearance in the NCAA-II national playoffs in 2008. During his decorated tenure, Broyles has compiled a 193-41-2 (.822) overall record, averaging more than 10 wins per season for his nearly two-decade career.

He led Pitt State to the 1991 NCAA-II National Championship as well as appearances in the 1992, 1995 and 2004 NCAA-II National Championship Games. His squads have qualified for the NCAA-II national playoffs 15 times in his 19-year tenure and Coach Broyles became the first coach since the 1890s to record his 100th coaching victory in less than 10 full seasons during the 1999 season.

In the classroom, the Pitt State football squad had produced 15 ESPN The Magazine Academic All-Americans since January 2000, leading the Division II membership and ranking second to only the University of Dayton (18) among all college football programs. Forty-four percent of his Pitt State football squad members currently maintain 3.0 GPAs or higher.

Broyles' charitable contributions have been far and wide-ranging and include donations toward memorial scholarships for his late son Kyle and former Pitt State associate athletic director Tommy Riggs. His civic involvement has included the likes of organizing the Gorillas' annual YMCA Youth Football Day; coordinating team involvement in Project Franklin, a restoration project in the nearby tornado ravaged community, and the annual campus "Big Event" town spring clean-up project; as well as facilitating his team's visits to local elementary schools to read with the students.

Coach Broyles greatest claim to fame is being a member of the eight man Mulberry Tiger Football team and a player for the Mulberry Mule Semi-pro Baseball Team.

Once a Gorilla, always a Gorilla.

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 committee report recommending a substitute bill to **Sub. HB 2014** be adopted; also, on motion of Rep. Knox be amended on page 1, in line 25, by striking "1" and inserting "2";

On page 2, in line 20, by striking "Kansas energy office" and inserting "energy programs division";

On page 12, in line 8, by striking "kv" and inserting "kilovolts";

On page 14, in line 31, by striking "energy"; in line 34, by striking "energy"; in line 42, by striking "energy";

On page 15, in line 2, by striking "energy"; in line 7, by striking "energy"; in line 42, by striking "energy";

On page 16, in line 37, by striking "energy" where it appears the first time;

On page 17, in line 12, by striking "energy"; also in line 12, by striking "and" and inserting "or"; in line 40, by striking "energy"; also in line 40, by striking "and" and inserting "or";

On page 18, in line 1, by striking "affected utility's" and inserting "retail electric supplier's"; in line 12, by striking all after the semicolon; by striking all in lines 13 through 15;

On page 20, in line 22, by striking "will" and inserting "shall";

On page 25, in line 7, by striking “(c)(1)” and inserting “(b)(1)”;

On page 35, in line 31, by striking “Kansas” and inserting “state”;

Also, roll call was demanded on motion of Rep. Neighbor to amend **Sub. HB 2014** on page 1, by striking all in lines 16 through 43;

By striking all on pages 2 through 35 and inserting the following:

“New Section 1. Sections 1 through 7, and amendments thereto, shall be known and may be cited as the renewable energy standards act.

New Sec. 2. As used in the renewable energy standards act:

(a) “Affected utility” means any electric public utility, as defined in K.S.A. 66-101a, and amendments thereto, but does not include any portion of any municipally owned or operated electric utility.

(b) “Commission” means the state corporation commission.

(c) “Net renewable generation capacity” means the gross generation capacity of the renewable energy resource located over a four-hour period when not limited by ambient conditions, equipment, operating or regulatory restrictions less auxiliary power required to operate the resource, and refers to resources located in the state or resources serving rate-payers in the state.

(d) “Peak demand” means the demand imposed by the affected utility’s retail load in the state.

(e) “Renewable energy credit” means a credit representing energy produced by renewable energy resources issued as part of a program that has been approved by the state corporation commission.

(f) “Renewable energy resources” means net renewable generation capacity from:

- (1) Wind;
- (2) solar thermal sources;
- (3) photovoltaic cells and panels;
- (4) dedicated crops grown for energy production;
- (5) cellulosic agricultural residues;
- (6) plant residues;
- (7) methane from landfills or from wastewater treatment;
- (8) clean and untreated wood such as pallets;
- (9) hydropower, not including pumped storage, that does not require a new diversion or impoundment of water and that has a nameplate rating of 10 megawatts or less;
- (10) fuel cells using hydrogen produced by one of the above-named renewable energy resources; and
- (11) other sources of energy, not including nuclear power, that become available after the effective date of this section, and that are certified as renewable by rules and regulations established by the commission, pursuant to section 7, and amendments thereto.

New Sec. 3. (a) The commission shall establish by rules and regulations a portfolio requirement for all affected utilities to generate or purchase electricity generated from renewable energy resources or purchase renewable energy credits. For the purposes of calculating the capacity from renewable energy credit purchases, the affected utility shall use its actual capacity factor from its owned renewable generation from the immediately previous calendar year. Renewable energy credits may only be used to meet a portion of portfolio requirements for the years 2010, 2016 and 2020, unless otherwise allowed by the commission. Such portfolio requirement shall provide net renewable generation capacity that shall constitute the following portion of each affected utility’s peak demand:

(1) Not less than 10% of the affected utilities’ peak demand for calendar years 2010 through 2015, based on the average demand of the prior three years of each year’s requirement;

(2) not less than 15% of the affected utilities’ peak demand for calendar years 2016 through 2019, based on the average demand of the prior three years of each year’s requirements; and

(3) not less than 20% of the affected utilities’ peak demand for each calendar year beginning in 2020, based on the average demand of the prior three years of each year’s requirement.

(b) The portfolio requirements described in subsection (a) shall apply to all power sold to Kansas retail consumers whether such power is self-generated or purchased from another source in or outside of the state. The capacity of all net metering systems interconnected with the affected utilities under the net metering and easy connection act in section 8 et seq., and amendments thereto, shall count toward compliance.

(c) Each megawatt of eligible capacity in Kansas installed after January 1, 2005, shall count as 1.25 megawatts for purposes of compliance.

(d) The commission shall establish rules and regulations required in this section within six months of the effective date of this act.

New Sec. 4. The commission shall allow affected utilities to recover reasonable costs incurred to meet the new renewable energy resource requirements required in the renewable energy standards act.

New Sec. 5. For each affected utility, the commission shall determine whether investment in renewable energy resources required to meet the renewable portfolio requirement, as required by section 3, and amendments thereto, causes the affected utility's total revenue requirement to increase one percent or greater. The retail rate impact shall be determined net of new nonrenewable alternative sources of electricity supply reasonably available at the time of the determination.

New Sec. 6. (a) The commission shall establish rules and regulations for the administration of the renewable energy standards act, including reporting and enforcement mechanisms necessary to ensure that each affected utility complies with this standard and other provisions governing the imposition of administrative penalties assessed after a hearing held by the commission. Administrative penalties should be set at a level that will promote compliance with the renewable energy standards act, and shall not be limited to penalties set forth in K.S.A 66-138 and 66-177, and amendments thereto.

(b) For the calendar years 2010 and 2011, the commission is not required to assess penalties if the affected utility can demonstrate it made a good faith effort to comply with the portfolio standards requirement. The commission shall exempt an affected utility from administrative penalties for an individual compliance year if the utility demonstrates that the retail rate impact described in section 5, and amendments thereto, has been reached or exceeded and the utility has not achieved full compliance with section 3, and amendments thereto. In imposing penalties, the commission shall have discretion to consider mitigating circumstances. Under no circumstances shall the costs of administrative penalties be recovered from Kansas retail customers.

(c) The commission shall establish rules and regulations required in this section within six months of the effective date of this act.

New Sec. 7. (a) The commission shall establish rules and regulations for the administration of a certification process for use of renewable energy resources not currently listed in the renewable energy standards act for purposes of fulfilling the requirements of section 3, and amendments thereto. Criteria for the certification process for renewable energy generation facilities shall be determined by factors that include, but are not limited to: Fuel type, technology and the environmental impacts of the renewable energy generation facility. Renewable energy facilities shall not cause undue or adverse air, water or land use impacts, including impacts associated with the gathering of generation feedstocks.

(b) The commission shall establish rules and regulations required in this section within six months of the effective date of this act.

New Sec. 8. Sections 8 through 16, and amendments thereto, shall be known and may be cited as the net metering and easy connection act.

New Sec. 9. As used in the net metering and easy connection act:

(a) "Commission" means the state corporation commission.

(b) "Customer-generator" means the owner or operator of a net metered facility which:

(1) Is powered by a renewable energy resource;

(2) is located on a premises owned, operated, leased or otherwise controlled by the customer-generator;

(3) is interconnected and operates in parallel phase and synchronization with an affected utility and is in compliance with the standards established by the affected utility;

(4) is intended primarily to offset part or all of the customer-generator's own electrical energy requirements;

(5) contains a mechanism, approved by the utility, that automatically disables the unit and interrupts the flow of electricity back onto the supplier's electricity lines in the event that service to the customer-generator is interrupted.

(c) "Peak demand" shall have the meaning ascribed thereto in section 2, and amendments thereto.

(d) "Renewable energy resources" shall have the meaning ascribed thereto in section 2, and amendments thereto.

(e) "Utility" means investor-owned electric utility.

New Sec. 10. Each utility shall:

(a) Make net metering available to customer-generators on a first-come, first-served basis, until the total rated generating capacity of all net metered systems equals or exceeds one percent of the utility's peak demand during the previous year. The commission may increase the total rated generating capacity of all net metered systems to an amount above one percent after conducting a hearing pursuant to K.S.A. 66-101d, and amendments thereto;

(b) offer to the customer-generator a tariff or contract that is identical in electrical energy rates, rate structure and monthly charges to the contract or tariff that the customer would be assigned if the customer were not an eligible customer-generator and shall not charge the customer-generator any additional standby, capacity, interconnection or other fee or charge that would not otherwise be charged if the customer were not an eligible customer-generator;

(c) provide a residential class bidirectional meter to the customer-generator at no charge, but may charge the customer-generator for the cost of any additional metering or distribution equipment necessary to accommodate the customer-generator's facility; and

(d) disclose annually the availability of the net metering program to each of its customers with the method and manner of disclosure being at the discretion of the utility.

New Sec. 11. (a) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator during a billing period, the customer-generator shall be billed for the net electricity supplied by the utility in accordance with normal practices for customers in the same rate class.

(b) If a customer-generator generates electricity in excess of the customer-generator's monthly consumption, all such net excess energy (NEG), expressed in kilowatt-hours, shall be carried forward from month-to-month and credited at a ratio of one-to-one against the customer-generator's energy consumption, expressed in kilowatt-hours, in subsequent months.

(c) Any net excess generation credit remaining in a net-metering customer's account at the end of each calendar year shall expire.

New Sec. 12. Each utility shall allow:

(a) Residential customer-generators to generate electricity subject to net metering up to 25 kilowatts; and

(b) commercial, industrial, school, local government, state government, federal government, agricultural and institutional customer-generators to generate electricity subject to net metering up to 200 kilowatts.

Customer-generators shall appropriately size their generation to their expected load.

New Sec. 13. (a) Net metered facilities must meet all applicable safety, performance, interconnection and reliability standards established by the national electrical code, the national electrical safety code, the institute of electrical and electronics engineers, underwriters laboratories, the federal energy regulatory commission and any local governing authorities. A utility may require that a customer-generator's system contain a switch, circuit breaker, fuse or other easily accessible device or feature located in immediate proximity to the customer-generator's metering equipment that would allow a utility worker the ability to manually and instantly disconnect the unit from the utility's electric distribution system.

(b) A utility may not require a customer-generator whose net metering facility meets the standards in subsection (a) to comply with additional safety or performance standards or perform or pay for additional tests or purchase additional liability insurance. A utility shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a

net metered facility or for the acts or omissions of the customer-generator that cause loss or injury, including death, to any third party.

New Sec. 14. The commission shall, within 12 months from the effective date of the net metering and easy connection act, establish rules and regulations necessary for the administration of the act, which shall include rules and regulations ensuring that simple contracts are used for interconnection and net metering. For systems less than 25 kilowatts, the application process shall use an all-in-one document that includes a simple interconnection request, simple procedures and a brief set of terms and conditions.

New Sec. 15. Reasonable costs incurred by a utility under the net metering and easy connection act shall be recoverable in the utility's rate structure.

New Sec. 16. The estimated generating capacity of all net metered facilities operating under the provisions of this act shall count toward the affected utility's compliance with the renewable energy standards act in sections 1 through 7, and amendments thereto.

Sec. 17. K.S.A. 2008 Supp. 66-1,184 is hereby amended to read as follows: 66-1,184. (a) ~~Except as provided in subsection (b),~~ Every public utility which provides retail electric services in this state shall enter into a contract for parallel generation service with any person who is a customer of such utility, upon request of such customer, whereby such customer may attach or connect to the utility's delivery and metering system an apparatus or device for the purpose of feeding excess electrical power which is generated by such customer's energy producing system into the utility's system. No such apparatus or device shall either cause damage to the public utility's system or equipment or present an undue hazard to utility personnel. Every such contract shall include, but need not be limited to, provisions relating to fair and equitable compensation on such customer's monthly bill for energy supplied to the utility by such customer.

(b) ~~(1) For purposes of this subsection:~~

~~—(A) "Utility" means an electric public utility, as defined by K.S.A. 66-101a, and amendments thereto, any cooperative, as defined by K.S.A. 17-4603, and amendments thereto, or a nonstock member-owned electric cooperative corporation incorporated in this state, or a municipally owned or operated electric utility;~~

~~—(B) "school" means Cloud county community college and Dodge City community college.~~

~~(2) Every utility which provides retail electric services in this state shall enter into a contract for parallel generation service with any person who is a customer of such utility, if such customer is a residential customer of the utility and owns a renewable generator with a capacity of 25 kilowatts or less, or is a commercial customer of the utility and owns a renewable generator with a capacity of 200 kilowatts or less or is a school and owns a renewable generator with a capacity of 1.5 megawatts or less. Such generator shall be appropriately sized for such customer's anticipated electric load. A commercial customer who uses the operation of a renewable generator in connection with irrigation pumps shall not request more than 10 irrigation pumps connected to renewable generators be attached or connected to the utility's system. At the customer's delivery point on the customer's side of the retail meter such customer may attach or connect to the utility's delivery and metering system an apparatus or device for the purpose of feeding excess electrical power which is generated by such customer's energy producing system into the utility's system. No such apparatus or device shall either cause damage to the utility's system or equipment or present an undue hazard to utility personnel. Every such contract shall include, but need not be limited to, provisions relating to fair and equitable compensation for energy supplied to the utility by such customer. Such compensation shall be not less than 100% of the utility's monthly system average cost of energy per kilowatt hour except that in the case of renewable generators with a capacity of 200 kilowatts or less, such compensation shall be not less than 150% of the utility's monthly system average cost of energy per kilowatt hour. A utility may credit such compensation to the customer's account or pay such compensation to the customer at least annually or when the total compensation due equals \$25 or more.~~

~~—(c) the following terms and conditions shall apply to contracts entered into under subsection (a) or (b):~~

(1) The utility will supply, own, and maintain all necessary meters and associated equipment utilized for billing. In addition, and for the purposes of monitoring customer generation and load, the utility may install at its expense, load research metering. The customer

shall supply, at no expense to the utility, a suitable location for meters and associated equipment used for billing and for load research;

(2) for the purposes of insuring the safety and quality of utility system power, the utility shall have the right to require the customer, at certain times and as electrical operating conditions warrant, to limit the production of electrical energy from the generating facility to an amount no greater than the load at the customer's facility of which the generating facility is a part;

(3) the customer shall furnish, install, operate, and maintain in good order and repair and without cost to the utility, such relays, locks and seals, breakers, automatic synchronizer, and other control and protective apparatus as shall be designated by the utility as being required as suitable for the operation of the generator in parallel with the utility's system. In any case where the customer and the utility cannot agree to terms and conditions of any such contract, the state corporation commission shall establish the terms and conditions for such contract. In addition, the utility may install, own, and maintain a disconnecting device located near the electric meter or meters. Interconnection facilities between the customer's and the utility's equipment shall be accessible at all reasonable times to utility personnel. Upon notification by the customer of the customer's intent to construct and install parallel generation, the utility shall provide the customer a written estimate of all costs that will be incurred by the utility and billed to the customer to accommodate the interconnection. The customer may be required to reimburse the utility for any equipment or facilities required as a result of the installation by the customer of generation in parallel with the utility's service. The customer shall notify the utility prior to the initial energizing and start-up testing of the customer-owned generator, and the utility shall have the right to have a representative present at such test;

(4) the utility may require a special agreement for conditions related to technical and safety aspects of parallel generation; and

(5) the utility may limit the number and size of renewable generators to be connected to the utility's system due to the capacity of the distribution line to which such renewable generator would be connected, and in no case shall the utility be obligated to purchase an amount greater than 4% of such utility's peak power requirements.

~~(b)~~ (c) Service under any contract entered into under subsection (a) ~~or (b)~~ shall be subject to either the utility's rules and regulations on file with the state corporation commission, which shall include a standard interconnection process and requirements for such utility's system, or the current federal energy regulatory commission interconnection procedures and regulations.

~~(c) In any case where the owner of the renewable generator and the utility cannot agree to terms and conditions of any contract provided for by this section, the state corporation commission shall establish the terms and conditions for such contract.~~

~~(f) The governing body of any school desiring to proceed under this section shall, prior to taking any action permitted by this section, make a finding that either: (1) Net energy cost savings will accrue to the school from such renewable generation over a 20-year period; or (2) that such renewable generation is a science project being conducted for educational purposes and that such project may not recoup the expenses of the project through energy cost savings. Any school proceeding under this section may contract or enter into a finance, pledge, loan or lease-purchase agreement with the Kansas development finance authority as a means of financing the cost of such renewable generation.~~

~~(g) For the purpose of meeting the governor's stated goal of producing 10% of the state's electricity by wind power by 2010 and 20% by 2020, the parallel generation of electricity provided for in this section shall be included as part of the state's energy generation by wind power.~~

New Sec. 18. (a) On and after July 1, 2009, all new state buildings, including all state agencies, departments, offices, boards, commissions and public universities, shall be designed, constructed, operated and maintained to achieve maximum energy efficiency, to the extent this can be accomplished on a cost-effective basis, considering construction and operating costs over the life cycle of the building.

(b) The department of administration shall develop by rules and regulations design standards for all new state buildings which require the analysis of the cost-effectiveness of

building with the goal of achieving energy efficiency. "Energy efficiency" shall be demonstrated through design which achieves:

(1) A silver rating under the United States green building council's leadership in energy and environmental design (LEED) rating system;

(2) a two globes rating level under the green globes rating system; or

(3) an equivalent rating under an equivalent rating system that is accredited by the American national standards institute.

(c) Renovation or repair of all existing state buildings shall be designed to achieve maximum energy efficiency, to the extent this can be accomplished on a cost-effective basis, considering construction and operating costs over the life cycle of the building. The design may be based on LEED, green globes or an equivalent rating system.

Sec. 19. K.S.A. 65-3008 is hereby amended to read as follows: 65-3008. (a) No person shall construct, own, operate, install, alter or use any air contaminant emission stationary source which, in accordance with rules and regulations, the secretary finds may cause or contribute to air pollution, unless an appropriate approval or permit has been issued for the source by the secretary under this act. Approvals or permits issued by the secretary may be subject to conditions consistent with the purposes of this act and rules and regulations promulgated under this act.

(b) Until such time as the federal government enacts regulations covering carbon dioxide and other greenhouse gas emissions, the secretary may consider carbon dioxide emissions as part of the permitting process for base-load electric generating units, construction of which commences on or after July 1, 2009. The secretary may require such electric generating units to offset carbon dioxide emissions as a condition of the permits. The secretary shall not consider carbon dioxide emissions as part of the permitting process for any other permit requests.

~~(c)~~ (c) The secretary shall require that applications for approvals and permits, and renewals thereof, under this act shall be accompanied by application fees and such plans, specifications, compliance plans or other information as the secretary deems necessary. Applications shall be submitted on forms provided by the secretary and shall be signed by a responsible official of the source, who shall certify the accuracy of the information submitted.

~~(d)~~ (d) The issuance or holding of an approval or permit shall not convey any property right or exclusive privilege to the holder thereof.

~~(e)~~ (e) Without any further action on the part of the secretary, an approval or a permit shall become void and without effect on its expiration date unless a completed application form and any required fee are filed with the secretary on or before the expiration date of the approval or the permit. For purposes of this subsection, the secretary may specify by rule and regulation an amount of time prior to the expiration date of an operating permit by which a complete application form and any required fee must be filed with the secretary in order to be considered timely filed. The secretary may provide for a grace period by rule and regulation.

~~(f)~~ (f) The secretary may issue by rule and regulation a general approval or permit covering numerous similar sources. Any general approval or permit shall comply with all requirements applicable to approvals or permits under this act. Any source covered by a general approval or permit must apply to the secretary and receive authority to operate under the general approval or permit.

~~(g)~~ (g) The secretary may fix, charge and collect fees for approvals and permits, and the renewal thereof, to cover all or any part of the cost of administering the provisions of Kansas air quality act, other than K.S.A. 65-3027, and amendments thereto. The secretary shall adopt rules and regulations fixing such fees. The fees shall be deposited in the state treasury and credited to the state general fund, except that if all or any portion of the regulatory services for which a fee is collected under this section is performed by a county, city-county or multicounty health department, that portion of such fee which pertains to such services, as determined by the secretary, shall be credited to the local air quality control authority regulation services fund, which is hereby created in the state treasury, and shall be paid from such fund to such local air quality control authority.

Sec. 20. K.S.A. 65-3008 and K.S.A. 2008 Supp. 66-1,184 are hereby repealed.

Sec. 21. 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 the first semicolon; by striking all in lines 10 through 13 and inserting “establishing the renewable energy standards act and the net metering and easy connection act; relating to energy efficiency for state buildings; amending K.S.A. 65-3008 and K.S.A. 2008 Supp. 66-1,184 and repealing the existing sections.”;

On roll call, the vote was: Yeas 40; Nays 82; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Benlon, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Goyle, Hawk, Henderson, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, Menghini, Navinsky, Neighbor, Peterson, Quigley, Rardin, Ruiz, Sawyer, Slattery, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Winn.

Nays: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Fund, D. Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O’Brien, O’Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Swanson, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Frownfelter, Henry, Tafanelli.

The motion of Rep. Neighbor did not prevail.

Also, on motion of Rep. Watkins, **Sub. HB 2014** be amended on page 22, after line 3, by inserting the following:

“New Sec. 44. (a) On and after the effective date of this act, any provision of a restrictive covenant which restricts or prohibits the use of any solar panel, solar energy device or any other equipment used for solar power installed on or adjacent to any residential dwelling is hereby declared to be against public policy and such provision shall be void and unenforceable.

(b) The provisions of this section shall apply to any restrictive covenant in existence on the effective date of this act.

New Sec. 45. (a) On and after the effective date of this act, any provision of a city ordinance or county resolution which restricts or prohibits the use of any solar panel, solar energy device or any other equipment used for solar power installed on or adjacent to buildings is hereby declared to be against public policy and such provision shall be void and unenforceable.

(b) The provisions of this section shall apply to any city ordinance or county resolution in existence on the effective date of this act.”;

And by renumbering the remaining sections accordingly;

Also, on further motion of Rep. Watkins to amend **Sub. HB 2014**, the motion did not prevail. Also, on motion of Rep. Sloan to amend, the motion did not prevail. Also, on motion of Rep. Grant to amend, the motion did not prevail; and **Sub. HB 2014** be passed as amended.

REPORTS OF STANDING COMMITTEES

Select Committee on KPERS recommends **SB 219** be passed.

Select Committee on KPERS recommends **HB 2072** be amended on page 3, in line 19, by striking all after “(10)”; by striking all in lines 20 through 28; in line 29, by striking “(11)”; in line 34, by striking “(12)” and inserting “(11)”;

On page 4, in line 5, by striking “(13)” and inserting “(12)”; in line 7, by striking “(14)” and inserting “(13)”; in line 12, by striking “(15)” and inserting “(14)”; in line 16, by striking “(16)” and inserting “(15)”; 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 2357, An act concerning school districts; relating to school finance; relating to at-risk pupils, by Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGES

Speaker O'Neal announced that Rep. Navinsky will replace Rep. Meier on the following committees:

Committee on Agriculture and Natural Resources

Vision 2020

Committee on Veterans, Military and Homeland Security

On motion of Rep. Merrick, the House adjourned until 10:30 a.m., Friday, February 27, 2009.

Journal of the House

THIRTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 27, 2009, 10:30 a.m.

The House met pursuant to recess with Speaker pro tem Siegfried in the chair.
The roll was called with 123 members present.

Reps. Henry and Tafanelli were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
today I pray for these our leaders
the prayer of St. Ignatius.
*“O my God, teach me to be generous:
to serve you as you deserve to be served;
to give without counting the cost;
to fight without fear of being wounded;
to work without seeking rest;
and to spend myself without expecting any reward,
but the knowledge that I am doing Your holy will.”*

Be with Representative Jerry Henry and his family today on the death
of his younger brother. Bring them comfort,
peace and grace as only you can at a time like this.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Menghini.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2358, An act enacting the investment in Kansas employment act; amending K.S.A. 2008 Supp. 74-50,115 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 2354**, **HB 2355**.

Education: **HB 2357**.

Health and Human Services: **HB 2356**.

MESSAGE FROM THE SENATE

Announcing passage of **SB 74**, **SB 115**, **SB 178**, **SB 215**, **SB 225**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 74, **SB 115**, **SB 178**, **SB 215**, **SB 225**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HB 2014, An act concerning energy; relating to conservation and efficiency; electric generation and transmission and air emissions; amending K.S.A. 19-101a, 55-1,117, 65-3012

and 66-104d and K.S.A. 2008 Supp. 65-3005, 65-3008a, 66-1,184, 74-99d07 and 74-99d14 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 44; 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, Fund, D. Gatewood, George, Goico, Gordon, Grange, Grant, Hayzett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Swanson, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, Yoder.

Nays: Ballard, Benlon, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Goyle, Hawk, Henderson, Huntington, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, Menghini, Neighbor, Peterson, Pottorff, Quigley, Rardin, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Henry, Tafanelli.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote "YES" on **Sub. HB 2014**. My thanks to our House Committee for its tireless work and to House members on both sides of the aisle for the civility you displayed in giving thoughtful consideration and strong approval of this vital, bi-partisan comprehensive energy plan. This bill is for our consumers, workers, business partners and taxpayers. It's a signal to those outside our borders that we are open for business, embrace a full array of energy resources, have regulatory certainty and don't cling to environmentally extreme or scientifically flawed views regarding our future energy and economic development needs.—MICHAEL R. "MIKE" O'NEAL

MR. SPEAKER: Last night I watched the Weather Channel's program about the Greensburg tornado. From almost complete and utter destruction a Phoenix is rising. It is green. Solar.

Wind turbines—Planning a wind farm with KPP.

Energy Efficiency—LEEDS Platinum standard—the highest level.

Fuel? Sun, wind, water.

No contract with Sunflower—any more.

I vote no on **Sub. HB 2014**.—ANNIE KUETHER

MR. SPEAKER: I vote yes on **Sub. HB 2014** because I support our new president and his efforts to support clean affordable energy, including clean coal.—BILL OTTO

MR. SPEAKER I vote yes on **Sub. HB 2014**. I believe the situation has changed dramatically from last year. The regulatory climate has changed because the federal government will now impose federal energy policy to assure renewables and "clean coal" as President Obama has said. The economic downturn makes even temporary construction jobs and their secondary effects particularly important in Western Kansas. Finally this bill establishes an overall energy plan for Kansas that includes coal but also net metering and a statutory RPS which starts us in the right direction for renewables. Coal is important to our national energy independence and this bill establishes a broad Kansas energy policy.—PAT COLLOTON

MR. SPEAKER: **Sub. HB 2014** creates a comprehensive energy plan to benefit all Kansans. By creating jobs and a renewable energy infrastructure, encouraging further economic development through regulatory certainty, and adding another Kansas product to export, we are ensuring our growing energy needs will be met while providing for the future. As our demand for energy increases, **Sub. HB 2014** will keep rates reasonable for all Kansas ratepayers. Furthermore, as technology evolves, this bill advances renewable energy sources that will continue to play a larger role in our energy production. For those reasons I vote

yes on **Sub. HB 2014**.—AARON JACK, PHIL HERMANSON, JOE SEIWERT, DAN KERSCHEN, STEVE HUEBERT, WILLIE PRESCOTT, LANA GORDON, MARC RHOADES, PEGGY MAST, RICHARD CARLSON, CONNIE O'BRIEN, RAY MERRICK.

MR. SPEAKER: I wholeheartedly support efforts that will foster the development and use of renewable energy sources and help protect the environment for generations to come. This concern for the future quality of our environment is one of the key reasons I finally voted for this comprehensive energy legislation:

1. Renewable portfolio standards mandating that utilities use renewable energy.
2. Increased wind energy production can occur due to new transmission infrastructure.
3. Net metering is established.
4. Energy efficiency standards are established.

Also, I voted yes on **Sub. HB 2014** because many Kansas families are in pain, need jobs and affordable energy due to the recession.—MARVIN KLEEB

MR. SPEAKER: **Sub. HB 2014** is a step closer to the comprehensive energy plan which I believe the State of Kansas must implement. It references renewable energy efforts, including the Governor's Renewable Portfolio Standard agreement with electric utility companies, energy efficiencies for stat buildings and state vehicles; and consistent rules and regulations for all who apply for permits. I also believe renewable and traditional energy sources to be compatible. Because of these reasons, Mr. Speaker, I vote yes.—DEENA HORST

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2011**, **HB 2166**, **HB 2206** be passed.

Committee on **Federal and State Affairs** recommends **SB 238** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 238," as follows:

"HOUSE Substitute for SENATE BILL No. 238

By Committee on Federal and State Affairs

"AN ACT concerning abortion; regarding the woman's right-to-know act; amending K.S.A. 65-6709 and 65-6710 and repealing the existing sections."; and the substitute bill be passed.

(**H. Sub. for SB 238** was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **SB 82** 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 **SB 102** be amended on page 1, in line 37, by striking all after "device"; in line 38, by striking all before the period; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2311** be passed.

REPORT OF STANDING COMMITTEE

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

Request No. 52, by Representative Bethell, congratulating the Sterling High School Debate Team for capturing the top three places at the Class 3-2-1A state championship tournament;

Request No. 53, by Representative Ballard, congratulating Jack and Mary Arensberg on their 50th wedding anniversary;

Request No. 54, by Representatives Phelps, Davis and Ballard for recognition given in the memory of Jana Mackey for her tireless efforts to promote the rights of victims of violence and of the rights of women during her all too short lifetime;

Request No. 55, by Representative Seiwert, commending Mike Fast for 30 years of service on the Board of Education with U.S.D. 312;

Request No. 56, by Representative Seiwert, commending David Pryor for 30 years of service on the Board of Education with U.S.D. 312;

Request No. 57, by Representative Menghini, congratulating Pittsburg State University's head football coach, Chuck Broyles, for being selected the 2008 NCAA Division II Liberty Mutual Football Coach of the Year;

Request No. 58, by Representative Menghini, congratulating Tim Beck, Assistant Football Coach for Pittsburg State University, for being named the 2008 FootballScoop.com NCAA Division II Coordinator of the Year;

Request No. 59, by Representative Sloan, congratulating Martha J. Parker on her 80th birthday and her demonstrated leadership at Clinton Historical Association and Clinton Lake Museum documenting underground railroad "stops";

Request No. 60, by Representative Kiegerl, congratulating Fred and Ruth Ramseyer on their 70th wedding anniversary, March 1, 2009;

Request No. 61, by Representative Donohoe, congratulating the Bishop Miege Girls Varsity Volleyball Team on winning the 2008 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 AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6015—

By Committee on Federal and State Affairs

A RESOLUTION urging the Congress of the United States to oppose any attempt to deny workers the fundamental right to a secret ballot in a union organizing election.

WHEREAS, Kansas has a long and favored tradition of supporting every worker's right to work; and

WHEREAS, The right to a secret ballot in union organizing elections is a fundamental right for America's workers; and

WHEREAS, The rights of workers to be protected from intimidation and harassment in the workplace is an import right for all Kansans; and

WHEREAS, There are those who are proposing to take away from workers their rights to a secret ballot in organizing elections; and

WHEREAS, The loss of this fundamental right for a worker to a secret ballot and to be free from intimidation and harassment would seriously damage relations among workers and threaten relations between workers and management and would be a great detriment to Kansas workers; and

WHEREAS, The right to a secret ballot for Kansas' workers is not a matter of politics but rather one of right and wrong, with diverse voices on both sides of the political aisle speaking out against denying the right to a secret ballot; and

WHEREAS, Seventy years of labor law, the National Labor Relations Act of 1935 as amended by the Taft Hartley Act of 1947, has stood the test of time in achieving a fair balance between the interests of labor and management in American industry; and

WHEREAS, Kansas' workers should not have their right to a secret ballot removed by dictate of the federal government; and

WHEREAS, Kansans believe every worker should continue to have the right to a federally supervised ballot election when deciding whether to organize a union; and

WHEREAS, Kansans believe secret ballot elections are the cornerstone of democracy and should be kept for union elections: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the United States Congress shall oppose any attempt to deny Kansas workers the fundamental right to a secret ballot in a union organizing election or to preempt the state of Kansas the ability to protect the fundamental right to a secret ballot for its workers; 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 Senate, the Speaker of the United States House of Representatives and each member of Congress from the State of Kansas.

CHANGE OF REFERENCE

Speaker pro tem Siegfried announced the withdrawal of **HB 2315** from Committee on Appropriations and rereferral to Committee on Judiciary.

REPORT ON ENGROSSED BILLS

Sub. HB 2014 reported correctly engrossed February 26, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, March 2, 2009.

Journal of the House

THIRTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 2, 2009, 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. Henry, Kelley, Kuether, Loganbill, Peterson, Tafanelli and Tietze were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord,
Today is the start of a new week.
Thank you for Your help in the decisions made last week.
This week brings yet more challenges for us to debate and decide.
We need Your wisdom and direction.
Today also brings the probability of change of state leadership.
I ask that You help all of us in this time of transition.
In all the change, may we not lose sight of those whom we serve.
May we not fall victim to the demands of the urgent,
but carefully and thoughtfully plan for the future.
Again, we need Your wisdom and direction.
Lord, I want to lift to you Patrick Woods and his family
in this tremendous loss of their baby.
For most of us here, we cannot fathom the depth
of pain and grief this brings — but You do.
So, come along side of this family
and show your love, compassion and comfort.
In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Huebert.

INTRODUCTION OF GUESTS

Rep. Bethell introduced Betsy Dutton, coach of the Sterling High School debate team, and members Eric Hostetler, Brett Smith, Anna Brashear, Daniel Skucius and Sam Leake. Rep. Bethell presented them with House certificates.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Federal and State Affairs: **HR 6015**.
Judiciary: **SB 178, SB 215**.
Taxation: **HB 2358**.
Transportation: **SB 115**.
Education Budget: **SB 74, SB 225**.

CONSENT CALENDAR

No objection was made to **SB 82** appearing on the Consent Calendar for the first day.

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 **HB 2072**; **SB 219** be passed over and retain a place on the calendar.

Committee report to **HB 2121** be adopted; also, on motion of Rep. Schroeder be amended on page 2, in line 9, after “registrant” by inserting “, except that on and after July 1, 2015, a penalty of \$5 per day shall be assessed against the registrant,”;

On page 18, in line 20, before the period by inserting “, except that on and after July 1, 2015, the application fee per category shall be \$112 per category in which the licensee applies”; in line 23, before the period by inserting “, except that on and after July 1, 2015, an additional fee of \$10 shall be paid for each uncertified individual employed by the applicant to apply pesticides”;

On page 19, in line 25, before the period by inserting “, except that on and after July 1, 2015, such fee shall not exceed \$35”;

On page 21, in line 7, after “\$40” by inserting “, except that on and after July 1, 2015, such fee shall not exceed \$25,”;

On page 24, in line 27, before the period by inserting “, except that on and after July 1, 2015, such fee shall not exceed \$35 per examination”; in line 36, before the period by inserting “, except that on and after July 1, 2015, such fee shall not exceed \$35 per examination”;

On page 32, in line 3, before the period by inserting “, except that on and after July 1, 2015, such application shall be accompanied by a fee of \$25”; in line 13, before the period by inserting “, except that on and after July 1, 2015, such inspection fee shall be at the rate of \$.05 per ton”; in line 38, before the period by inserting “, except that on and after July 1, 2015, a chemigation user’s permit shall be \$55 plus \$10 for each additional point of diversion”;

On page 33, in line 43, before the period by inserting “, except that on and after July 1, 2015, such certification shall be \$10”; and **HB 2121** be passed as amended.

On motion of Rep. Pauls to amend **SB 14**, the motion did not prevail; and the 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 2359, An act concerning the state board of cosmetology; amending K.S.A. 65-1904 and repealing the existing section, by Committee on Appropriations.

REPORT ON ENROLLED RESOLUTIONS

HR 6012, **HR 6013**, **HR 6014** reported correctly enrolled and properly signed on March 2, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, March 3, 2009.

Journal of the House

THIRTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 3, 2009, 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. Kuether was excused on verified illness.
Rep. Pottorff was excused on legislative business.
Reps. Garcia, Henry and Hill were excused on excused absence by the Speaker.
Prayer by Chaplain Brubaker:

Father, God
Today as we talk and walk about,
give us understanding with no doubt.
Give us clarity of thought
of the decisions we have sought.
There are a lot of voices crying out,
yes, some even shout,
"lend us your ear—please come near,
we have something you need to hear."
Bottom line, though, Lord,
is that we harmonize in one accord,
as You admonish us in Your Word,
"Whether you turn to the right or to the left,
your ears will hear a voice behind you,
saying, 'This is the way; walk in it.'"
(Isaiah 30:21)
In Your name I pray, Amen.

The Pledge of Allegiance was led by Rep. Wetta.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:
Health and Human Services: **HB 2359**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2259** from Committee on Appropriations and referral to Committee of the Whole.

Also, the withdrawal of **HB 2273** from Committee on Appropriations and referral to Committee on General Government Budget.

Also, the withdrawal of **HB 2358** from Committee on Taxation and referral to Committee on Economic Development and Tourism.

CONSENT CALENDAR

No objection was made to **SB 82** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2121. An act concerning agriculture; relating to pesticide and fertilizer programs of the department of agriculture; concerning fees for such programs; definitions; amending K.S.A. 2-2203, 2-2205, 2-2206, 2-2207, 2-2209, 2-2214, 2-2440a, 2-2440c, 2-2440e, 2-2446, 2-2449, 2-2450, 2-2454, 2-2455, 2-2470 and 2-2471 and K.S.A. 2008 Supp. 2-1205, 2-2202, 2-2204, 2-2438a, 2-2440, 2-2440b, 2-2441a, 2-2443a, 2-2445a, 2-2469, 2-2905, 2-2906, 2-3304, 2-3306 and 2-3309 and repealing the existing sections; also repealing K.S.A. 2-1211 and 2-2466, was considered on final action.

On roll call, the vote was: Yeas 89; Nays 31; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Henderson, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Johnson, Kleeb, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Neal, Olson, Palmer, Pauls, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Schroeder, Schwab, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, DeGraaf, Donohoe, Faber, Gordon, Hayzlett, Hermanson, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Neufeld, O'Brien, Otto, Patton, Peck, Rhoades, Schwartz, Seiwert, Tafanelli, Vickrey, Ward.

Present but not voting: None.

Absent or not voting: Garcia, Henry, Hill, Kuether, Pottorff.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: Many may focus on the caption and portion of **HB 2121** related to program fees. Simply making a decision on this measure based on fee restructuring ignores the fact that this bill provides a much-needed state-level enforcement option through the Kansas Department of Agriculture.

Without this mechanism, violations under FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) cannot be addressed at the state level and must be referred to the federal Environmental Protection Agency. Tying regulatory enforcement close to home is good public policy. I vote "Yes" on **HB 2121**.—JIM MORRISON

SB 14, An act concerning the interstate compact for juveniles; relating to the compact administrator; establishing the Kansas council for interstate juvenile supervision, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 38; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crum, Finney, Flaharty, Frownfelter, Fund, Furtado, S. Gatewood, George, Goico, Goyle, Grange, Hayzlett, Henderson, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Light, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Peck, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Tafanelli, Talia, Tietze, Vickrey, Watkins, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, A. Brown, Brunk, Carlson, Crow, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, D. Gatewood, Gordon, Grant, Hawk, Huebert, Jack, Kelley, Knox, Landwehr, Lane, Long, Mast, McLeland, Menghini, O'Brien, Pauls, Peterson, Phelps, Powell, Rardin, Sawyer, Schwartz, Svaty, Swenson, Trimmer, Ward, Wetta.

Present but not voting: None.

Absent or not voting: Garcia, Henry, Hill, Kuether, Pottorff.

The bill passed.

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 2311**; **SB 219** be passed.

Committee report to **SB 102** be adopted; and the bill be passed as amended.

On motion of Rep. Kinzer, **HB 2206** be amended on page 11, in line 40, by striking all after “(2)”; in line 41, by striking all before “If” and inserting “a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman.”;

On page 13, in line 15, before “the” where it appears the first time by inserting “such person is a physician and has a documented referral from another physician who is licensed to practice in this state, and who is not legally or financially affiliated with the physician performing or inducing the abortion and both physicians 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”;

Also, on motion of Rep. Benlon to amend **HB 2206**, Rep. Kinzer 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 238** be adopted; also, on motion of Rep. Loganbill to amend, Rep. Kiegerl requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Swenson to amend **H. Sub. for SB 238**, the motion did not prevail; and the substitute bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **SB 77** 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 2360, An act concerning the state budget; relating to preparation and submission of budget estimates and recommendations by the governor to the legislature; amending K.S.A. 75-3720 and K.S.A. 2008 Supp. 75-3717, 75-3717b, 75-3718 and 75-3721 and repealing the existing sections, by Committee on Appropriations.

HB 2361, An act concerning state finance; establishing a process to evaluate and implement federal funding available for state agencies under the federal American economic recovery and reinvestment act of 2009, by Committee on Appropriations.

HB 2362, An act concerning deer; relating to procedures for the taking thereof; concerning certain fees charged by the secretary of wildlife and parks; relating to the feed the hungry fund; amending K.S.A. 2008 Supp. 32-988, 32-995 and 79-3606 and repealing the existing sections, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2121 reported correctly engrossed March 2, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, March 4, 2009.

Journal of the House

THIRTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 4, 2009, 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. Pottorff was excused on legislative business.
Reps. Bethell and Rardin were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Heavenly Father,
Thank you for these men and women
who selflessly give of their
talent, time and energy . . .
to come in day after day
and tackle the issues
that affect all Kansans
no matter what some say.
Some live near and return home
at the end of the day.
Others, because of distance
in Topeka have to stay.
For their families I pray
that you help them find a way
to keep the home life normal
no matter come what may.
In the name of Christ, I pray, Amen.

The Pledge of Allegiance was led by Rep. Myers.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolutions were introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5012—

By Committee on Vision 2020

A CONCURRENT RESOLUTION memorializing the State of Kansas' desire for the United States Army Corps of Engineers to undertake a study of the Missouri River Basin under the auspices of the Flood Control Act of 1944, 33 C.F.R. 701 et seq., commonly known as the Pick Sloan Act, in order to provide the best information and service to all states in the Missouri River Basin, which includes major Missouri River tributaries in the State of Kansas.

WHEREAS, the Missouri River Basin includes the states of Wyoming, Montana, North Dakota, South Dakota, Nebraska, Iowa, Missouri and Kansas;

WHEREAS, The United States Army Corps of Engineers is charged with management and operation of a system of reservoirs and other projects in the Missouri River Basin;

WHEREAS, The United States Army Corps of Engineers manages the reservoirs and river system based upon concepts, principles, guidance and rules that were put in place after the Flood Control Act of 1944;

WHEREAS, There have been significant changes since 1944 in the physical, economic, social and environmental circumstances and needs of the citizens of the Missouri River Basin in management and operation of the Missouri River system;

WHEREAS, Changes in management and operation of the Missouri River system by the Corps of Engineers requires a study of the Missouri River Basin; and

WHEREAS, The state of Kansas supports legislation that would authorize and fund such a study: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas Legislature calls upon the United States Congress to authorize and appropriate funds for a study of the Missouri River Basin, to allow the United States Army Corps of Engineers to begin a study of the Missouri River and the Missouri River Basin to provide the information and analysis needed to update, change and modify the 1944 Flood Control Act, if appropriate, based on current data and the contemporary needs of the citizens of that basin in the management and operation of the various projects of the United States Army Corps of Engineers within that basin.

Be it further resolved: That the United States Army Corps of Engineers should cooperate with each and the several states in completing said study.

Be it further resolved: That the United States Congress should consider the input and needs of each state within the basin as it examines and approves the conclusions and recommendations for changes and modifications to management and operation of the Missouri River that are included in the final study produced by the United States Army Corps of Engineers and presented to the United States Congress.

Be it further resolved: That the Secretary of State be directed to send an enrolled copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Chair of the United States House of Representatives Committee on Appropriations, the Chair of the United States House of Representatives Committee on Natural Resources, the Chair of the United States House of Representatives Committee on Transportation and Infrastructure, the Chair of the United States Senate Committee on Appropriations, the Chair of the United States Senate Committee on Environment and Public Works, the Chair of the United States Senate Committee on Energy and Natural Resources, the Assistant Secretary of the Army for Civil Works and each member of the Kansas Congressional delegation.

HOUSE CONCURRENT RESOLUTION No. 5013—

By Committee on Vision 2020

A CONCURRENT RESOLUTION memorializing that the appointed United States Assistant Secretary of the Army for Civil Works should form a relationship with and continue to partner with the State of Kansas in order to protect, preserve and extend the productive lives of reservoirs in Kansas.

WHEREAS, The State of Kansas, working by and through the Kansas Water Office and other agencies of the State of Kansas has developed sound, productive working relationships with the United States Army Corps of Engineers and the United States Assistant Secretary of the Army for Civil Works for water resource issues within the purview of those entities that are important to the State of Kansas; and

WHEREAS, The reservoirs in Kansas were originally built with a projected lifespan of 100 years or less and many of those reservoirs are approaching or have past the halfway point of that original design life; and

WHEREAS, Kansas reservoirs built by the United States Army Corps of Engineers are an important source of water supplies directly and indirectly to approximately 65 percent of Kansans and those reservoirs are facing sedimentation and other issues as they age; and

WHEREAS, The United States Army Corps of Engineers has not included public water supply as an organizational mission, purpose or goal of the Corps of Engineers; and

WHEREAS, The importance of reservoirs as public water supply resources to Kansas is vital to the vitality of Kansas now and in the future; and

WHEREAS, The United States Army Corps of Engineers should include such a public water supply preservation and protection mission at Kansas reservoirs to insure that public water supply sources in reservoirs are protected and maintained and take all necessary and prudent action to protect the reservoirs as a public water supply resources; and

WHEREAS, The State of Kansas has enjoyed a good working relationship with the Assistant Secretary of the Army for Civil Works to address reservoir issues and other issues falling within the purview of Assistant Secretary of the Army for Civil Works: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas Legislature calls upon the newly appointed Assistant Secretary of the Army for Civil Works to form a working relationship with the State of Kansas to address any and all issues falling within the purview of the Assistant Secretary of the Army for Civil Works to work to extend the productive lives of reservoirs and to continue the work that has begun in those reservoirs of the State of Kansas.

Be it further resolved: That the Assistant Secretary of the Army for Civil Works should work with the state of Kansas to identify appropriate changes to the Corps of Engineers to include water supply as a key mission and direct the Corps of Engineers to develop plans to extend the useful lives of the reservoirs past their original design life.

Be it further resolved: That the Secretary of State be directed to send an enrolled copy of this resolution to the Assistant Secretary of the Army for Civil Works, the Commissioner of the Bureau of Reclamation and each member of the Kansas Congressional delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2362**.

Appropriations: **HB 2360, HB 2361**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2077** from Committee on Federal and State Affairs and rereferral to Committee on Elections.

Also, the withdrawal of **HB 2350** from Committee on Health and Human Services and referral to Committee on Insurance.

CONSENT CALENDAR

No objection was made to **SB 77** appearing on the Consent Calendar for the first day.

No objection was made to **SB 82** 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 82, An act repealing K.S.A. 2008 Supp. 65-1,214; relating to residential childhood lead poisoning prevention; concerning sunset provision, 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, Benlon, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Pottorff, Rardin, Tafanelli.

The bill passed.

HB 2206, An act concerning abortion; regarding restrictions on late term and partial birth abortions; amending K.S.A. 65-445, 65-6701, 65-6703, 65-6709 and 65-6721 and K.S.A. 2008 Supp. 65-2836 and repealing the existing sections; also repealing K.S.A. 65-6713, was considered on final action.

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, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Coloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, Fund, D. Gatewood, S. 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, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Svaty, Swanson, Swenson, Tafanelli, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, Yoder.

Nays: Ballard, Benlon, T. Brown, Carlin, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, Gordon, Goyle, Hawk, Henderson, Hill, Huntington, Johnson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Proehl, Quigley, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Talia, Tietze, Trimmer, Ward, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Pottorff, Rardin.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I agree with making the reporting more precise. I agree in clarifying the several standards set out in the bill. I do not agree with the enhanced enforcement provisions. We don't do this in other areas and shouldn't do it here, either. It opens up litigation's doors beyond what is necessary to address the wrong, at a great cost to our budget. I vote yes on **HB 2206**.—J. ROBERT BROOKENS

MR. SPEAKER: I agree with making the reporting more precise. I do not agree with the enhanced enforcement provisions. We don't do this in other areas and shouldn't do it here, either. It opens up litigation's doors beyond what is necessary to address the wrong, at a great cost to our budget. I vote yes on **HB 2206**.—PAT COLLOTON

MR. SPEAKER: We vote NO on **HB 2206**. This bill does NOTHING to prevent unintended pregnancies or reduce the number of abortions in Kansas.

HB 2206 requires more regulating requirements on both a doctor and on the Kansas Department of Health and Environment.

HB 2206 puts the knowledge and best medical judgment of a woman's physician secondary to that of the political and moral beliefs of legislators.

No one supports abortion. We would hope that any woman who chooses to terminate a pregnancy would do so after counsel from her family, her doctor and her God.—TERRIE HUNTINGTON, SHERYL SPALDING, KAY WOLF, CINDY NEIGHBOR, JULIE MENGhini, ANNIE KUETHER, ANN MAH, DOLORES FURTADO, CHARLES ROTH, JILL QUIGLEY, SYDNEY CARLIN, GERALDINE FLAHARTY, LANA GORDON, MILACK TALIA, TOM SLOAN, JUDITH LOGANBILL, LISA BENLON

HB 2311, An act concerning service of process; relating to private detectives; amending K.S.A. 60-303 and 61-3003 and repealing the existing sections; also repealing K.S.A. 61-3003a, 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, Benlon, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Faber, Feuerborn, D. Gatewood, Gordon.

Present but not voting: None.

Absent or not voting: Bethell, Pottorff, Rardin.

The bill passed.

SB 102, An act concerning emergency medical services; relating to use of automated external defibrillator; amending K.S.A. 2008 Supp. 65-6149a 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, Benlon, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Pottorff, Rardin.

The bill passed, as amended.

SB 219, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; death and disability benefits; employer contributions; amending K.S.A. 2008 Supp. 74-4927 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, Benlon, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Pottorff, Rardin.

The bill passed.

H. Sub. for SB 238. An act concerning abortion; regarding the woman's right-to-know act; amending K.S.A. 65-6709 and 65-6710 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 37; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, Fund, D. Gatewood, George, 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, Mah, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Spalding, Svaty, Swanson, Swenson, Tafanelli, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, Yoder.

Nays: Ballard, Benlon, Brookens, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Gordon, Hawk, Henderson, Hill, Huntington, Johnson, Kuether, Lane, Loganbill, McCray-Miller, Menghini, Neighbor, Quigley, Roth, Ruiz, Sawyer, Sloan, Talia, Tietze, Trimmer, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Pottorff, Rardin.

The substitute bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: The cost of **H. Sub. for SB 238** is huge at a time we hesitate to fund basic state functions. We already have in place good controls and notices without production of a video at state expense. We should re-work, pick and choose the parts we ought to pass and discard the over-reaching and expensive parts. I vote no on **H. Sub. for SB 238**.—J. ROBERT BROOKENS

MR. SPEAKER: We vote NO on **H. Sub. for SB 238**. **H. Sub. for SB 238** does NOTHING to prevent unintended pregnancy or reduce the number of abortions in Kansas.

This bill denies the patient and her family ease of full and comprehensive access to reproductive health services. It also causes more bureaucracy within the Kansas Department of Health and Environment.

We support age-appropriate comprehensive sexuality education in public schools as the best deterrent of unplanned, unwanted pregnancies.—SEAN GATEWOOD, ANNIE KUETHER, CINDY NEIGHBOR, DOLORES FURTADO, CHARLES ROTH, JILL QUIGLEY, MILACK TALIA, JULIE MENGhini, GERALDINE FLAHARTY, SYDNEY CARLIN, TOM SLOAN, LISA BENLON, JUDITH LOGANBILL

REPORTS OF STANDING COMMITTEES

Committee on **Health and Human Services** recommends **HB 2343** 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 132** be amended on page 1, in line 36, by striking "article 4" and inserting "sections 23 through 28, and amendments thereto";

On page 2, in line 8, by striking "article 5" and inserting "sections 29 through 34, and amendments thereto";

On page 3, in line 8, by striking "article"; in line 9, by striking "3" and inserting "sections 17 through 22, and amendments thereto";

On page 6, in line 31, after the semicolon by inserting "and"; in line 37, by striking "this article" and inserting "sections 11 through 16, and amendments thereto"; in line 42, by striking "this article" and inserting "sections 11 through 16, and amendments thereto"; in

line 43, by striking “this article” and inserting “sections 11 through 16, and amendments thereto,”;

On page 7, in line 3, by striking “This article does” and inserting “Sections 11 through 16, and amendments thereto, do”; in line 18, by striking “this article” and inserting “sections 11 through 16, and amendments thereto,”;

On page 9, in line 26, by striking “this article” and inserting “sections 11 through 16, and amendments thereto,”;

On page 12, in line 10, by striking “this article” and inserting “sections 17 through 22, and amendments thereto”; in line 20, by striking “this article” and inserting “sections 17 through 22, and amendments thereto,”; in line 22, by striking “this article” and inserting “sections 17 through 22, and amendments thereto,”; in line 30, by striking “this article” and inserting “sections 17 through 22, and amendments thereto,”;

On page 15, in line 6, by striking “this article” and inserting “sections 17 through 22, and amendments thereto”;

On page 16, in line 28, by striking “this article” and inserting “sections 23 through 28, and amendments thereto”; in line 33, by striking “this article” and inserting “sections 23 through 28, and amendments thereto,”; in line 41, by striking “this article” and inserting “sections 23 through 28, and amendments thereto,”;

On page 19, in line 7, by striking “this article” and inserting “sections 23 through 28, and amendments thereto,”;

On page 21, in line 18, by striking “this article” and inserting “sections 29 through 34, and amendments thereto”; in line 22, by striking “this article” and inserting “sections 29 through 34, and amendments thereto,”; in line 26, by striking “this article” and inserting “sections 29 through 34, and amendments thereto,”;

On page 24, in line 1, by striking “this”; in line 2, by striking “article” and inserting “sections 29 through 34, and amendments thereto,”;

On page 36, in line 36, by striking “This article is” and inserting “K.S.A. 56a-901 through 56a-908, and amendments thereto, are”;

In the title, in line 10, by striking “transaction” and inserting “transactions”; 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 2363, An act concerning sexually violent predators; relating to placement into the community; amending K.S.A. 2008 Supp. 59-29a11 and repealing the existing section, by Committee on Appropriations.

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. 2008 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, by Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6016—

By Representative Gordon

A RESOLUTION encouraging participation in the American Public Health Association and the Kansas Public Health Association Public Health Week, April 6-12, 2009.

WHEREAS, April 6-12 has been designated as National Public Health Week in Kansas; and

WHEREAS, Our nation spends more on health care than any other country, yet our health care system is failing and leaving millions of Americans vulnerable; and

WHEREAS, American infant mortality rates are three times higher than those in some developing countries; and

WHEREAS, Ethnic minority populations have nearly eight times higher mortality rates for key health conditions, such as diabetes, than that for non-minority populations; and

WHEREAS, America has made the top 10 list of countries with the most HIV/AIDS infected people; and

WHEREAS, Despite these challenges, public health professionals have contributed to dramatic progress over the last century through many advances such as adding fluoride to our drinking water, introducing seat belt laws and eliminating polio; and

WHEREAS, Successful health care reform is impossible without the support of a strong public health infrastructure; and

WHEREAS, Through support of the country's public health system, we can build on the successes of the past and establish the solid foundation needed for a healthy state and nation; and

WHEREAS, We support these efforts 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 care system in light of this year's theme, "*Building the Foundation for a Healthy America*": Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we support the efforts of the American Public Health Association and the Kansas Public Health Association to recognize the week of April 6—12, 2009, as National Public Health Week; 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 Elaine L. Schwartz, Kansas Public Health Association, P.O. Box 67085, Topeka, KS, 66667.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, March 5, 2009.

Journal of the House

THIRTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 5, 2009, 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. C. Holmes, Merrick, Pottorff and Powell were excused on legislative business.

Reps. Long and Peterson were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. David Welsh, pastor, Central Christian Church, Wichita, and guest of Rep. Jack:

Heavenly Father,

Thank you for another day of life, and for the opportunity to lift up in prayer these men and women who serve our beloved state.

For these leaders, I pray for wise thoughts, discerning minds and open hearts.

I pray for their patience not only with procedure but with one another as they tackle the growing economic issues that threaten our livelihood.

I pray for protection for their families as many will spend time away from home.

I pray that they will always choose what is right and what is good so that people from coast to coast, will take notice that this nation's heartland will always be the first to stand up for America.

I pray these things in the name of Jesus Christ, my Savior and Lord. Amen

The Pledge of Allegiance was led by Rep. Tietze.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2365, An act creating the promoting employment across Kansas act, by Committee on Taxation.

HB 2366, An act concerning all-inclusive care for the elderly (PACE) program; amending K.S.A. 65-5112 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2367, An act concerning insurance; providing coverage for autism spectrum disorder; amending K.S.A. 2008 Supp. 40-2,103, 40-2,105, 40-2,105a and 40-19c09 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2368, An act concerning sales taxation; relating to certain exemptions; certain non-profit organizations; amending K.S.A. 2008 Supp. 79-3603, 79-3606 and 79-3692 and repealing the existing sections, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Judiciary: **HB 2363**, **HB 2364**.

Vision 2020: **HCR 5012**, **HCR 5013**.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Gordon, **HR 6016**, A resolution encouraging participation in the American Public Health Association and the Kansas Public Health Association Public Health Week, April 6-12, 2009, was adopted.

Rep. Gordon addressed a few remarks to the members of House concerning National Health Day events which are taking place today in the Capitol.

CONSENT CALENDAR

No objection was made to **HB 2343** appearing on the Consent Calendar for the first day.

No objection was made to **SB 77** appearing on the Consent Calendar for the second day.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 187** 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 **Taxation** recommends **HB 2299** be amended on page 32, in line 17, by striking "and"; in line 19, by striking "Society"; in line 24, after "employment" by inserting the following "; and

(eeee) all sales of tangible personal property or services purchased by or on behalf of All American Beef Battalion, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services, and all sales of any such property or services by or on behalf of any such organization for any such purpose";

On page 1, in the title, in line 10, after "dustries" by inserting "and All American Beef Battalion, Inc."; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2319** be amended on page 1, in line 41, after "bodies" by inserting ", including, but not limited to, restrictions on property rented or leased to low income individuals and families, as authorized by section 42 of the federal internal revenue code of 1986, as amended";

On page 2, in line 3, after "commissions" by inserting ", and including, but not limited to, restrictions or requirements imposed upon the use of real estate rented or leased to low income individuals and families, as authorized by section 42 of the federal internal revenue code of 1986, as amended"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 5** be passed.

Committee on **Transportation** recommends **SB 46** 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. 62, by Representative Crow, commending the St. Joseph Parish for 150 years of educational and spiritual service in Leavenworth;

Request No. 63, by Representative Bowers, congratulating Wilcid and Edna Mae Michaud on their 65 Wedding Anniversary;

Request No. 64, by Representative Worley, congratulating Jordan Bain in recognition of achieving the Girl Scout Gold Award, the highest award in girl scouting;

Request No. 65, by Representative Worley, congratulating Myra Hawkins in recognition of achieving the Girl Scout Gold Award, the highest award in girl scouting;

Request No. 66, by Representative Worley, congratulating Bridget Roszel in recognition of achieving the Girl Scout Gold Award, the highest award in girl scouting;

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.

REPORT ON ENGROSSED BILLS

HB 2206 reported correctly engrossed March 3, 2009.

On motion of Rep. Mast, the House adjourned pro forma until 10:00 a.m., Friday, March 6, 2009.

Journal of the House

THIRTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 6, 2009, 10:00 a.m.

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Aging and Long Term Care: **HB 2366**.

Insurance: **HB 2367**.

Taxation: **HB 2365**, **HB 2368**.

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on **H. Sub. for Sub. SB 23**, An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010 and June 30, 2011, 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. 2008 Supp. 55-193, 79-2978, 79-2979, 79-3425i, 79-34,156, 79-4801 and 82a- 953a and repealing the existing sections, which was received on February 17, 2009, and was read before the Senate on February 18, 2009.

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 Substitute for Senate Bill No. 23 with my signature approving the bill, except for the items enumerated below.

With these line-item vetoes and accompanying allotments, the total reduction in the Fiscal Year 2009 budget, passed by the Legislature, will be \$300 million. These cuts were achieved through a strategic and responsible approach to successfully meet the budget challenges we face as a state in these difficult economic times.

I have already proposed a balanced budget for Fiscal Year 2010, and it is now time for the Legislature to turn its focus to the future, and join me in developing shared solutions to overcome the even greater challenges that lie ahead.

Department of Administration

KPERS Debt Service

Section 37 (t) has been line-item vetoed in its entirety.

Although the Legislature recognized the budgetary savings arising from restructuring several bond issuances, the restructuring of the KPERS bond cannot occur until approved by the State Finance Council. Since a meeting of the Council scheduled to discuss this issue did not occur, that approval has not yet been given. For this reason, I find it necessary to veto this portion of the bill that lapses the debt service. This will ensure the monies remain in the Department's budget so that the state does not fail to meet its obligations to make debt service payments.

Department of Education

Reductions to Schools

Section 53 (a) has been line-item vetoed in its entirety.

Section 53 (b) has been line-item vetoed in its entirety.

Drastically reducing state aid to schools, with only three months left in the school year, leaves children, parents and teachers in a needless financial predicament. Similarly, reducing funding for special education services in the middle of the school year is pointlessly punitive to those students in need of additional assistance. The state also must preserve special education funding to ensure we can access federal stimulus funds requiring maintenance of effort in special education spending at the state level.

Through allotment authority, I intend to follow the lead of the bipartisan efforts in the Legislature to reduce school funding by only \$33 per pupil, instead of the more severe \$66 per pupil as agreed to in conference committee on SB 23.

University of Kansas Medical Center Wichita Center for Graduate Medical Education

Section 66 (e) has been line-item vetoed in its entirety.

The revised fiscal year 2009 budget already includes \$2.5 million in additional funding for the Wichita Center for Graduate Medical Education. I will be asking the Kansas Board of Regents to make a full and comprehensive recommendation for WCGME funding in the FY 2010 budget and look forward to working with the Legislature to act on their proposal.

Health Care Stabilization Fund

Transfer Limitation

Section 86 (b) has been line-item vetoed in its entirety.

With this veto and accompanying allotment, I am restoring my original budget recommendations to limit transfers to the Health Care Stabilization Fund, helping to preserve State General Fund balances.

Kansas Bioscience Authority

Transfer Limitation

Section 86 (h) has been line-item vetoed in its entirety.

With this veto and accompanying allotment, I am restoring my original budget recommendations to limit transfers to the Kansas Bioscience Authority, helping to preserve State General Fund balances.

KATHLEEN SEBELIUS

Governor

Dated: February 17, 2009

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 Sub. SB 23**, the President ruled the line item vetoes sustained.

MESSAGE FROM THE SENATE

Announcing passage of **SB 49, SB 108, SB 147, SB 153, SB 174, SB 253, SB 275.**

Announcing passage of **HB 2147.**

Announcing passage of **Sub. HB 2014**, as amended by **S. Sub. for Sub. HB 2014.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 49, SB 108, SB 147, SB 153, SB 174, SB 253, SB 275.

On motion of Rep. Mast, the House adjourned until 11:00 a.m., Monday, March 9, 2009.

Journal of the House

THIRTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 9, 2009, 11:00 a.m.

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

The roll was called with 118 members present.

Rep. Henderson was excused on verified illness.

Reps. Neufeld and O'Neal were excused on legislative business.

Reps. Davis, Goico, Knox and Svaty were excused on excused absence by the Speaker.

Prayer by guest chaplain, Rev. Dr. Ira Despain, university minister at Baker University in Baldwin, and guest of Rep. T. Brown:

Baker University is in the 10th House District and we are proud to be represented here by Representative Tony Brown. I bring greetings from President Patricia Long, and the faculty, staff and students at Baker University, the oldest university in the state of Kansas, and thus, the only university ever to have been referred to as "The One Great University in Kansas."

Let us pray:

Almighty God,

By your grace and power you allowed us to awaken this morning and take our first conscious breath. We pray that the rest you allowed us last evening will give us sufficient strength for the challenges of this day.

Help us find moments of nourishment of mind, body and spirit in our work.

Help us to find solutions to the problems we face as Kansas people. In your mercy, free us from ego and self-interest.

May we, on this and every day, accept your gift of life, grasp your continued faithfulness toward us, that promises strength for today and bright hope for tomorrow.

In your all powerful and ever-present name we pray. Amen.

The Pledge of Allegiance was led by Rep. Peck.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2369. An act making and concerning appropriations for the fiscal years ending June 30, 2010, and June 30, 2011, 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.

HB 2370. An act concerning state officers and employees; prescribing priority of payments for salaries and wages for state officers and employees over other amounts that are payable from the state treasury, by Committee on Appropriations.

HB 2371. An act concerning taxation of motor vehicles; relating to exemptions for certain disabled veterans; amending K.S.A. 2008 Supp. 79-5107 and repealing the existing section, by Committee on Appropriations.

HB 2372. An act concerning contracts with state agencies for certain professional services; relating to competitive bidding procedures; amending K.S.A. 75-37,102 and K.S.A.

2008 Supp. 75-1253, 75-1254, 75-3738, 75-3739, 75-37,132 and 76-786 and repealing the existing sections, by Committee on Appropriations.

HB 2373, An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012 and June 30, 2013, and June 30, 2014, 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. 2008 Supp. 2-223, 12-5256, 55-193, 75- 6702, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-4801 and 82a-953a and repealing the existing sections. By Committee on Appropriations.

HB 2374, An act concerning employment security law; relating to alternative base periods and benefits for individuals forced to leave employment to care for an ill or disabled family member; amending K.S.A. 2008 Supp. 44-703 and 44-706 and repealing the existing sections, by Committee on Taxation.

HB 2375, An act concerning school districts; relating to state aid for capital improvements; amending K.S.A. 2008 Supp. 75-2319 and repealing the existing section, by Committee on Taxation.

CORRECTION OF REFERENCE

Speaker pro tem Siegfried announced **SB 253** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Local Government, should be corrected to be referred to Committee on Agriculture and Natural Resources.

Also, **SB 275** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Agriculture and Natural Resources, should be corrected to be referred to Committee on Financial Institutions.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Economic Development and Tourism: **SB 108**.

Health and Human Services: **SB 147**.

Insurance: **SB 49, SB 174**.

Transportation: **SB 153**.

COMMUNICATIONS FROM STATE OFFICERS

From Howard Schwartz, Judicial Administrator, pursuant to K.S.A. 8-1008, 2008 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.

CONSENT CALENDAR

Objection was made to **HB 2343** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 46, SB 187** appearing on the Consent Calendar for the first day.

No objection was made to **SB 77** 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 Wednesday, March 11.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. C. Holmes, the House nonconcurrent in Senate amendments to **S. Sub. for Sub. HB 2014** and asked for a conference.

Speaker pro tem Siegfried thereupon appointed Reps. C. Holmes, Moxley and Kuether as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Health and Human Services** recommends **HB 2359** 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 **Insurance** recommends **SB 50** 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 GUESTS

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

Remarks of Rep. Phelps:

Jana Mackey, a 25 year old law student at the University of Kansas and resident of Lawrence, was murdered by her ex-boyfriend on July 2, 2008. Jana served as an advocate and devoted civic servant. She worked tirelessly to promote the rights of women, victims of violence and the voices of many often unheard and under-represented. Jana was well known throughout Kansas for her work on many women's issues. She had spent years volunteering to aid victims of sexual assault and domestic violence. She had actively participated in the KU Commission on the Status of Women and had served as one of the youngest lobbyists at the Kansas State Capitol for the National Organization for Women.

Yesterday, March 8, 2009, was International Women's Day. The Kansas House of Representatives would like to unite in honoring Jana Mackey as part of that day. A victim of an unjust crime, Jana was taken before her time. We can never replace Jana, however, we can help her service live on through others. Symbolic of the number of people who attended Jana's funeral, her family and friends have created the *Eleven Hundred Torches* national campaign to honor her by asking hundreds of ordinary citizens to serve others. We join this campaign, and call on Kansans to volunteer and make a difference in their communities.

Remarks by Rep. Ballard:

In recognition of International Women's Day, Kansas Governor Kathleen Sebelius proclaimed March 8, 2009 as "Jana Mackey Day in Kansas."

Sunday, March 8, in Lawrence, *Eleven Hundred Torches* partnered with Women Transitional Care Services in a day of service for International Women's Day to honor Jana Mackey. WTCS offers services to survivors of domestic violence.

It was a pleasure to work with Jana Mackey, here in the Capitol—tall, stately, smiling, professional, dedicated and passionate. The following poem by *Michael Josephson* from the Josephson Institute is perfect for Jana:

"What Will It 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 are 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.

Jana chose to live a life that mattered.

Rep. Phelps will now present her parents, Curt and Christie Brungardt, with a framed House certificate.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, March 10, 2009.

Journal of the House

FORTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 10, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Siegfried in the chair.
The roll was called with 116 members present.

Rep. Sawyer was excused on verified illness.

Reps. Davis, Knox, Neufeld, O'Neal and Sloan were excused on legislative business.

Reps. Crow, Goico and Svaty were excused on excused absence by the Speaker.

Prayer by guest chaplain, Rev. Ronnie Metsker, former Representative, President of Parakaleo Group, of Overland Park, and guest of Rep. Schwab:

With the Psalmist David I declare: "Sing joyfully to the Lord, all the earth. Serve the Lord with gladness: come before Him with joyful singing, Know that the Lord Himself is God; it is He who has made us, and not we ourselves: We are His people and the sheep of His pasture. Enter His gates with thanksgiving, and His courts with praise. Give thanks to Him; bless His name. For the Lord is good, His loving kindness is everlasting and His faithfulness to all generations."

Almighty and Everlasting God, the giver of all good things, I come before You today on behalf of my brothers and sisters—my friends, new and old—here in this, the people's house of Kansas. Thank You for our creation, preservation and all the blessings of this life, but above all for Your immeasurable love in the redemption of the world through Your Son.

We praise You for the good providence that has directed our steps in life. We thank You for the times You have enlightened our minds to understand the truths that we have heard, and to know the things that make for our everlasting peace. And, for the Lord's loving kindnesses that indeed never cease, we praise You. Your compassions never fail. They are new every morning; Great is Thy faithfulness!

Now, I most humbly ask You, O Lord, Help my friends, as they begin this day of deliberation and decision making that they will adhere to Your words from Holy Scripture as You admonish us to dress in the wardrobe God picked out for us of compassion . . . kindness . . . humility . . . quiet strength . . . discipline. Help my friends to be even-tempered, content with second place, quick to forgive an offense and to forgive as quickly and completely as God forgives us. Most of all God help all of us today to put on love—which You describe as our all-purpose garment and may we never be without it.

Father, now, that we've been reminded from Your Word of Your faithfulness, grace and mercy . . . and how we were to dress for this day—help my friends to now go forward with wisdom and discernment—recognizing that their work is to be done for others as unto You, Oh God.

In your powerful, wonderful and matchless name, I pray, 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:

Appropriations: **HB 2369, HB 2370, HB 2372, HB 2373.**

Commerce and Labor: **HB 2374.**

Taxation: **HB 2371, HB 2375.**

CHANGE OF REFERENCE

Speaker pro tem Siegfried announced the withdrawal of **SB 178** from Committee on Judiciary and referral to Committee on Federal and State Affairs.

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 102**, requests a conference and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 238**, requests a conference and has appointed Senators Owens, D. Schmidt and Faust-Goudeau 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 2014** and has appointed Senators Apple, Petersen and Lee 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 **SB 102**.

Speaker pro tem Siegfried 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 238**.

Speaker pro tem Siegfried thereupon appointed Reps. Neufeld, Kiegerl and Loganbill as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Hill, **HR 6017**, by Rep. Hill, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6017—

A RESOLUTION recognizing the Kansas Small Business Development Center's 2008 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, Emerging Business of the Year award recipients have demonstrated major accomplishments while establishing and growing the business, overcome significant obstacles, shown growth and impact based on the KSBDC Economic Impact Tracking spreadsheet, a clear vision for the future of the business and something unique to offer to their community; 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 2008 KSBDC Emerging Businesses of the Year are Eagle Creek Vineyards in Olpe, Kansas, owned by Jo Ann Kuhlmann; Flower Cottage in Quinter, Kansas, owned by Kathy and Robert Kuntz; Local Burger in Lawrence, Kansas, owned by Hilary Brown; Longford Water Company, LLC in Longford, Kansas, owned by Kim and Wava Kramer; Music House School of Music in Overland Park, Kansas, owned by Aaron Sizemore and Katrinka Riggs; New Boston Creative Group, LLC in Manhattan, Kansas, owned by Kristin Brighton, Susan Religa and Lisa Sisley; Oakview Estates Assisted Living in Frontenac, Kansas, owned by Mark Scales and Jason Lahr; and Oswalt Appraisals in Garden City, Kansas, owned by Alan Oswalt; and

WHEREAS, The 2008 KSBDC Existing Businesses of the Year are Acorn Valley Custom Cabinetry in Thayer, Kansas, owned by Jim Houston and Bob Greif; Avon Beauty Center in Overland Park, Kansas, owned by Elizabeth and George Demas; EmbroidMe in Dodge City, Kansas, owned by Gavin and Kim Unruh; The Furniture Look, Inc. in Hays, Kansas, owned by Karen Dreiling; Howard Pine's Garden Center & Greenhouses in Lawrence, Kansas, owned by Gerald Pine; Morrill Collision Repair, Inc. in Morrill, Kansas, owned by Lonnie and Melanie Teeter; Pet Sitting Pal in Emporia, Kansas, owned by Reneé Flott; and ServiceMaster by Clean In a Wink in Wichita, Kansas, owned by Jerry E. Winkley; 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 2008 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 Clerk of the House of Representatives be directed to provide 17 enrolled copies of this resolution to Representative Don Hill.

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 2008 businesses of the year. These sixteen businesses represent economic vitality and human vibrancy in the communities where they operate. They have achieved major accomplishments; established growing businesses, demonstrated vision, problem solving and good corporate citizenship. Challenging economic times have proven to be good times to launch a new business. In 2008 there were nearly 150 business startups in Kansas that received KSBDC services. 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 our honorees today provide a source of encouragement and optimism as we face these difficult and uncertain economic times.

CONSENT CALENDAR

Objection was made to **SB 50** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2359** appearing on the Consent Calendar for the first day.

No objection was made to **SB 46**, **SB 187** appearing on the Consent Calendar for the second day.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2354** be amended on page 9, following line 11, by inserting the following material to read as follows:

"Sec. 7. The state board of technical professions is hereby authorized and directed to pay the following amount from the technical professions fee fund as reimbursement for attorney's fees and associated expenses related to the claimant's defense of a claim of practicing architecture or engineering without a license, to the following claimant:

Eldon Ray
16284 R. Road
Mayetta, KS 66509..... \$3,122.00”;

And by renumbering the remaining sections accordingly; and the bill be passed as amended.

Committee on **Education** recommends **SB 40** 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** recommends **SB 84** be amended on page 2, by striking all in lines 15 through 17; in line 20, by striking “2012” and inserting “2010”; and the bill be passed as amended.

Committee on **Education** recommends **SB 161** be amended on page 2, in line 26, following “fund” by inserting “. The amount of moneys in a petty cash fund shall not exceed \$1,000 at any one time”; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **SB 39** be amended on page 1, in line 19, by striking “may seek approval from” and inserting “and such written investment policy is approved by”; in line 20, by striking “to” and inserting “may”; in line 39, by striking “On condition of” and inserting “In”; in line 41, by striking “review the policy to assure that it” and inserting “require that such policy”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 86** 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 2376, An act concerning emergency management; relating to immunity from liability; amending K.S.A. 48-915 and repealing the existing section, by Committee on Appropriations.

HB 2377, An act concerning pet animals; transferring the powers, duties and functions of the livestock commissioner regarding the Kansas pet animal act to the secretary of agriculture; amending K.S.A. 47-1701, 47-1702, 47-1703, 47-1704, 47-1708, 47-1712, 47-1713, 47-1715, 47-1719, 47-1720, 47-1723, 47-1725, 47-1727, 47-1731, 47-1732, 47-1733, 47-1734, 47-1735 and 47-1736 and K.S.A. 2008 Supp. 47-1706, 47-1706a, 47-1707, 47-1709 and 47-1721 and repealing the existing sections, by Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGE

Rep. Kelley will replace Rep. Knox on Social Services Budget Committee for March 10.

REPORT ON ENROLLED RESOLUTIONS

HR 6016 reported correctly enrolled and properly signed on March 10, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, March 11, 2009.

Journal of the House

FORTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 11, 2009, 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. Sawyer was excused on verified illness.
Rep. Sloan was excused on legislative business.
Rep. Tafanelli was excused on excused absence by the Speaker.
Present later: Rep. Tafanelli.

Prayer by Chaplain Brubaker:

Dear Lord,
It is that time of the year again . . .
tournament time on the court—
crunch time in the House.
Playing a good offense does not mean
offending those who may disagree with you.
A good defense is not
getting defensive when one's view is questioned.
A foul play should not be where
one gets attacked for their views or comments.
And, God forbid, a technical should take place
because one is ridiculed for sticking to their convictions.
Team playing is when everyone pulls together
and assists each other in winning—
rebounding and moving on
once a decision has been made.
So whether on the court or in the House,
May we all play as a team . . .
realizing that ultimate fulfillment comes
when we hear the cheers of the fans
for their victory.
In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Kiegerl.

INTRODUCTION OF GUESTS

Rep. Ballard introduced Trei J. Dudley, representing the Boys & Girls Club of Lawrence, and recipient of the 2009 Kansas Youth of the Year award. Other candidates were Macon M. Hunt, Boys & Girls Club of Topeka; Cierra R. Smith, Boys & Girls Clubs of South Central Kansas; Chelsea J. White, McConnell AFB Youth Center; Marquel Curtis Harper, Boys & Girls Club of Hutchinson Kids After School; David N. Tracy, Harrold Youth Center; Chanel R. Frazier, Fort Riley Youth Center; and Nathan A. Elder, Boys & Girls Club of Manhattan.

Rep. Ballard addressed the following remarks to the members of the House.

There are nearly 40 Boys & Girls Club locations in Kansas that serve over 58,000 young people each year and support the Youth of the Year contest. This recognition program promotes and celebrates the members' achievements and accomplishments. Sponsored by the Reader's Digest Foundation, this national program recognizes leadership skills, academic achievement, and service to Boys & Girls Clubs and community.

Five regional winners will compete for the National Youth of the Year honor, be installed by President Barack Obama, and receive a \$10,000 scholarship from the Reader's Digest Foundation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2378, An act concerning property taxation; relating to public utilities; natural gas inventories; amending K.S.A. 2008 Supp. 79-5a01 and repealing the existing section, by Committee on Taxation.

HB 2379, An act concerning estate taxation; relating to valuation of land devoted to agricultural use; amending K.S.A. 2008 Supp. 79-15,253 and repealing the existing section, by Committee on Taxation.

HB 2380, An act concerning taxation of motor vehicles; relating to exemptions for certain members of military service; amending K.S.A. 2008 Supp. 79-5107 and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2377**.

Judiciary: **HB 2376**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2238** from Committee on Appropriations and rereferral to Committee on Commerce and Labor.

Also, the withdrawal of **SB 168** from Committee on Judiciary and referral to Committee on General Government Budget.

Also, the withdrawal of **HB 2360**, **HB 2370** from Committee on Appropriations and referral to Committee on General Government Budget.

COMMUNICATIONS FROM STATE OFFICERS

From William V. Minner, Executive Director, Kansas Human Rights Commission, in accordance with K.S.A. 44-1004(13), Kansas Human Rights Commission Annual Report for Fiscal Year 2008, July 1, 2007-June 30, 2008.

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 **SB 40**, **SB 86** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2359** appearing on the Consent Calendar for the second day.

No objection was made to **SB 46**, **SB 187** 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 46, An act concerning port authorities; relating to sale of certain real or personal property; amending K.S.A. 12-3412 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, 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, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Hill, Sawyer, Sloan, Tafanelli.

The bill passed.

SB 187. An act enacting the state fire marshal commissioned inspector act, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, 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, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Donohoe, Watkins.

Present but not voting: None.

Absent or not voting: Hill, Sawyer, Sloan, Tafanelli.

The bill passed.

SB 77. An act concerning the state use law committee; date for expiration thereof; amending K.S.A. 2008 Supp. 75-3322c 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, 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, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.
 Absent or not voting: Hill, Sawyer, Sloan, Tafanelli.
 The bill passed.

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 committee report to **HB 2259** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2320** be adopted; also, on motion of Rep. Burgess be amended on page 1, in line 26, by striking "2009" and inserting "2011";

On page 2, in line 13, by striking "2010" and inserting "2012";

Also, on further motion of Rep. Burgess, **Sub. HB 2320** be amended on page 1, in line 42, following the period by inserting "No moneys received under the federal American economic recovery and reinvestment act of 2009, or any other federal economic recovery or stimulus act, that are deposited in the state treasury and credited to the state general fund shall be considered to be revenue credited to the state general fund for any purpose under this section and shall not be the basis for any amount of moneys to be transferred from the state general fund to the budget stabilization fund under this section.";

Also, roll call was demanded on motion of Rep. Trimmer to amend **Sub. HB 2320** on page 1, in line 26, by striking "On" where it first appears and inserting, "Except as otherwise provided in this subsection, on"; in line 39, by striking "Upon" and inserting, "Except as otherwise provided in this subsection, upon"; in line 42, following the period by inserting "No amount of moneys shall be certified to the director of accounts and reports under this section and no moneys shall be transferred from the state general fund to the budget stabilization reserve fund under this section if the state or any state agency has any outstanding, unpaid bonded debt issued by the Kansas development finance authority or any other state agency under any statute. As used in this subsection, "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto.";

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

Yeas: Ballard, Benlon, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelner, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Johnson, Kueher, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, Palmer, Pauls, Phelps, Pottorff, Rardin, Ruiz, Slattery, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld, Peterson, Sawyer, Shultz, Sloan.

The motion of Rep. Trimmer did not prevail.

Also, on motion of Rep. Huntington, **Sub. HB 2320** be amended on page 1, in line 26, by striking "On" where it first appears and inserting, "Except as otherwise provided in this subsection, on"; in line 32, after "estimate" by inserting "and excluding all moneys in the ending balance credited to the state general fund in compliance with K.S.A. 2008 Supp. 75-6702, and amendments thereto"; in line 39, by striking "Upon" and inserting "Except as otherwise provided in this subsection, upon"; in line 42, following the period by inserting "If an amount of moneys is certified to the director of accounts and reports under this

subsection, the amount certified shall not include any amount constituting all or part of the amount credited to the state general fund as the ending balance on the preceding June 30 in compliance with K.S.A. 2008 Supp. 75-6702, and amendments thereto, and no moneys shall be transferred from the state general fund to the budget stabilization reserve fund under this section that would reduce the amount credited to the state general fund in compliance with K.S.A. 2008 Supp. 75-6702, and amendments thereto.”; and **Sub. HB 2320** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2029** be adopted; also, on motion of Rep. Mah be amended on page 8, in line 28, after “(f)” by inserting “(1)”; after line 43, by inserting the following:

“(2) This provision shall apply to annexations in Johnson, Sedgwick and Shawnee counties in Kansas.”; and **Sub. HB 2029** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **SB 29** be amended on page 3, in line 39, by striking “for” and inserting “where such work is part of”; in line 40, after “engineering” by inserting “or architectural”;

On page 9, in line 22, by striking “themselves” and inserting “one’s self”; in line 41, by striking “themselves” and inserting “one’s self”;

On page 10, in line 6, by striking “themselves” and inserting “one’s self”;

On page 11, in line 28 by striking all after “(a)”; by striking all in line 29; in line 30, by striking “works”; also in line 30, before the period by inserting “The locating or laying out of alignments, positions or elevations where such work is part of the construction of engineering or architectural works”;

On page 13, in line 23 after “the”, the third time it appears, by striking “first” and inserting “last”; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **SB 91** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 91,” as follows:

“HOUSE Substitute for SENATE BILL No. 91

By Committee on Commerce and Labor

“AN ACT concerning planning and zoning; dealing with vesting of development rights; amending K.S.A. 12-764 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 91** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2332** be amended on page 6, after line 11 by inserting the following:

“(s) “School property” means property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12. This definition shall not be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the above definition, the actual use of that structure or property at the time alleged shall not be a defense to the crime charged or the sentence imposed.”;

And by relettering the remaining subsection accordingly;

Also on page 6, in lines 17 and 19 by striking “2009” and inserting “2010”;

On page 8, in line 32, by striking “or” and inserting a comma; in line 33, before the period, by inserting “or on or within 450 feet of any school property”;

On page 10, in line 35, by striking “nondrug”;

On page 11, in lines 17 and 21 by striking “nondrug”;

On page 13, in line 17, by striking “or” and inserting a comma; also in line 17, before the period by inserting “or on or within 450 feet of any school”; in line 19, by striking “nondrug”; in line 21, by striking “or” and inserting a comma; also in line 21, before the period by inserting “or on or within 450 feet of any school”;

On page 15, in lines 39 and 40, by striking “nondrug”; in line 43, by striking “or” and inserting a comma;

On page 16, in line 1, before the period by inserting “or on or within 450 feet of any school property”; in line 13, by striking “nondrug”;

On page 34, in line 17 by striking “and (a)(3),” and inserting “through (a)(4)”; in line 21, by striking “9” and inserting “8”; in line 33, before “A conviction” by inserting the following: “A conviction for an intentional violation of K.S.A. 17-12a501 or 17-12a502, and amendments thereto, if the violation resulted in a loss of an amount of:

- (A) \$1,000,000 or more is a severity level 2, nonperson felony.
- (B) At least \$250,000 but less than \$1,000,000 is a severity level 3, nonperson felony.
- (C) At least \$100,000 but less than \$250,000 is a severity level 4, nonperson felony.
- (D) At least \$75,000 but less than \$100,000 is a severity level 5, nonperson felony.
- (E) At least \$50,000 but less than \$75,000 is a severity level 6, nonperson felony.
- (F) At least \$25,000 but less than \$50,000 is a severity level 7, nonperson felony.
- (G) At least \$25,000 but less than \$1,000 is a severity level 8, nonperson felony.

(3)”;

Also on page 34, in line 34, by striking “17-12a401(c),”; also in line 34, by striking “17-12a402(d),”; also in line 34, by striking all after “17-12a403(a),”; in line 35, by striking “12a403(c), 17-12a403(d),” and inserting “or”; also in line 35, by striking “17-12a404 (e), 17-12a501 or”; in line 36, by striking “17-12a502,”;

On page 35, in line 6, by striking “At least \$1,000 but less” and inserting “Less”; by striking all in lines 8 through 10; in line 11, after “of” by inserting a colon and a new paragraph “(A)”; also in line 11, after “K.S.A.” by inserting “17-12a404(e),”; in line 12, after “thereto,” by inserting “or an order to cease and desist issued by the administrator pursuant to K.S.A. 17-12a412(c) or 17-12a604(a), and amendments thereto,”; also in line 12, by striking “8” and inserting “6”; after line 13, by inserting the following:

“(B) K.S.A. 17-12a401(c) or 17-12a403(c), and amendments thereto, is a severity level 7, nonperson felony.”;

Also on page 35, in line 14, by striking all after “17-12a401(a),”; in line 15, by striking “12a401(c),”; also in line 15, by striking “17-12a402(d),”; also in line 15, by striking “17-12a403(c), 17-”; in line 16, by striking “12a403(d),”; also in line 16, by striking “17-12a404(e),”; in line 17, by striking “\$100,000” and inserting “\$25,000”;

On page 44, in line 36, before “domestic” by inserting “behavior modification treatment program for”; also in line 36, by striking “prevention program”;

On page 45, in line 6, after the period by inserting “Such probation or parole shall be supervised by court services.”; in line 8, before “treatment” by inserting “behavior modification”; in line 9, by striking “prevention”; in line 13, by striking “and”; in line 15, by striking “fined not less than \$1,000 nor more than \$7,500”; in line 21, after “time” by inserting “and is sentenced to probation”; also in line 21, after “to” by inserting “serve”; in line 22, before the period, by inserting “as a condition of probation”; also in line 22, by striking all after the period; by striking all in lines 23 and 24; in line 25, after “time” by inserting “and is sentenced to probation”; also in line 25, after “to” by inserting “serve”; in line 26, before the period, by inserting “as a condition of probation”; also in line 26, by striking all after the period; by striking all in lines 27 and 28; in line 29, after “time” by inserting “and is sentenced to probation”; also in line 29, after “to” by inserting “serve”; in line 30, before the period, by inserting “as a condition of probation”; also in line 30, by striking all after the period; by striking all in lines 31 and 32 and inserting the following:

“(B) If the offender is sentenced to probation pursuant to this paragraph, such offender shall be supervised by community correctional services upon release.”;

Also on page 45, in line 35, after “of” by inserting “probation or”; in line 36, after “a” by inserting “behavior modification”; in line 37, after “a” by inserting “behavior modification”; in line 38, by striking all after “serve” and inserting “the underlying prison sentence.”;

On page 46, by striking all in lines 33 through 36;

On page 49, by striking all in lines 21 through 42;

And by renumbering the remaining sections accordingly;

On page 53, by striking all in lines 29 through 43;

On page 54, by striking all in lines 1 through 5;

And by renumbering the remaining sections accordingly;

On page 55, in line 17, by striking all after "is"; by striking all in line 18; in line 19, by striking all before "to" and inserting "distributing, possessing with the intent to distribute, manufacturing or attempting";

On page 92, in line 9, by striking "21-4705" and inserting "21-4704"; in line 15, by striking all after "(o)"; by striking all in line 16 and inserting "If an offender, who is convicted of a class A misdemeanor, is placed";

On page 108, in line 6, by striking "20 days"; in line 12, by striking "5-"; in line 13, by striking "H, 5-I or 6-G" and inserting "6-E, 6-F, 6-G, 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 8-C, 8-D, 8-E, 8-F, 9-C, 9-D or 9-E,";

On page 109, in line 4, after "(b)(3)" by inserting "(A)(i)";

On page 112, in line 18, by striking "levels" and inserting "level's";

On page 170, in lines 8 and 25, by striking "levels" and inserting "level's";

On page 213, in line 14, by striking "dispensing, selling or delivering" and inserting "or possessing with the intent to distribute"; in line 15, by striking "or holding or offering for sale,";

On page 228, in lines 22 and 25, by striking "sections" and inserting "section's";

On page 231, in line 20, after "classified" by inserting "nonperson";

On page 234, in line 26, by striking "12-4104,"; in line 29, by striking "21-3447,"; in line 38, after "60-427," by inserting "65-6a40,"; in line 39, by striking "65-6a40,"; in line 40, by striking "72-1397," in line 41, after "9-2203," by inserting "12-4104"; also in line 41, by striking "21-3419a,"; also in line 41, after "21-4619," by inserting "21-4619d,"; in line 43, after "39-717," by inserting "40-247,";

On page 235, in line 1, by striking "40-247"; in line 4, after "65-7006," by inserting "72-1397,"; in line 5, after "75-7c04," by inserting "75-5291,"; also in line 5, by striking "75-5291,";

On page 1, in the title, in line 13, by striking "21-3447,"; in line 21, after "60-427," by inserting "65-6a40,"; in line 23, by striking "21-3419a,"; in line 32, after "Supp." by inserting "21-4619d,"; and the bill be passed as amended.

Committee on **Education** recommends **SB 162** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 162," as follows:

"HOUSE Substitute for SENATE BILL No. 162

By Committee on Education

"AN ACT concerning school districts; relating to disability history and awareness."; and the substitute bill be passed.

(**H. Sub. for SB 162** was thereupon introduced and read by title.)

Committee on **Higher Education** recommends **SB 11** be amended on page 5, in line 9, by striking all after "college"; in line 10, by striking all before the period; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 137** 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 **Taxation** recommends **HB 2325**, **HB 2353** be passed.

Committee on **Taxation** recommends **HB 2324** be amended on page 2, in line 10, by striking "prior to July 1, 2010,"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 122**, **SB 123** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Vision 2020** recommends **HCR 5012**, **HCR 5013** be adopted.

CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Rep. Knox as a member of the conference committee on **S. Sub. for Sub. HB 2014** to replace Rep. Moxley.

On motion of Rep. Merrick, the House adjourned until 10:30 a.m., Thursday, March 12, 2009.

Journal of the House

FORTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 12, 2009, 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.

Reps. Ballard, Winn and Yoder were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Tony Thornton, senior pastor, First Christian Church, Garnett, and guest of Rep. Feuerborn:

Our Most gracious Father in heaven,

As this another session of the Kansas House of Representatives begins, we pause to humbly acknowledge the gift of another day and the opportunity it brings to further Your Kingdom.

I thank you for these women and men, who are assembled here today, eager to serve You and the citizens of Kansas. Give them Your wisdom as they deliberate today. Remind them that they are not alone. You are with them. Remind them of the far-reaching implications of their decisions. Remind them that they represent both the affluent and as Jesus said, "the least of these."

I humbly ask that you would grant them Your peace as they deliberate and joy in knowing that their work is good. May their goal in passing laws always be measured by what you have said is true, and just, and holy.

This I ask in the Name of Jesus Christ the Lord. Amen.

The Pledge of Allegiance was led by Rep. Talia.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committee as indicated:

Taxation: **HB 2378, HB 2379, HB 2380.**

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 31** from Committee on Health and Human Services and referral to Committee on Aging and Long Term Care.

Also, the withdrawal of **SB 43** from Committee on Elections and referral to Committee on Aging and Long Term Care.

MESSAGE FROM THE SENATE

Announcing passage of **SB 212, SB 213, SB 223, SB 262.**

Announcing passage of **HB 2023, HB 2045, HB 2068, HB 2091, HB 2142; Sub. HB 2339.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 212, SB 213, SB 223, SB 262.

CONSENT CALENDAR

No objection was made to **SB 122, SB 123, SB 137** appearing on the Consent Calendar for the first day.

No objection was made to **SB 40, SB 86** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2359** 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 2359. An act concerning the state board of cosmetology; amending K.S.A. 65-1904 and repealing the existing section, was considered on final action.

Call of the House was demanded.

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

Yeas: Aurand, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Winn, Yoder.

The bill passed.

Sub. HB 2029. 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. 2008 Supp. 25-432 and repealing the existing sections, 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, Bowers, A. Brown, T. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Fund, S. Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Mah, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Navinsky, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Svaty, Tafanelli, Trimmer, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf.

Nays: Benlon, Bethell, Brookens, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, Goyle, Hawk, Henderson, Kleeb, Kuether, Loganbill, Long, Lukert, McCray-Miller, Menghini, Myers, Neighbor, Olson, Pauls, Pottorff, Quigley, Rardin, Roth, Ruiz, Sawyer, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Talia, Tietze, Ward, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Ballard, Winn, Yoder.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **Sub. HB 2029**. The bill provides annexation notice to prop-

erty owners, but voting rights for only registered voters. Thus, registered tenants, renters, and lessees are granted more property rights than actual property owners.

It's unclear in determining voting anomalies such as a tie or empty election.

Does the bill permit partial annexation or prohibit consensual annexation in the four year probation period?

It claims to defend property rights; however, it's an assault on them. By eliminating 102 of 105 counties the bill is non-uniform in its treatment of cities. If those cities charter out by Constitutional Home Rule, the bill accomplishes nothing.—ARLEN SIEGFREID

HB 2259, An act concerning health care; duties of the Kansas health policy authority, was considered on final action.

On roll call, the vote was: Yeas 58; Nays 64; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, 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, Peterson, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfroid, Tafaneli, Vickrey, Watkins, Whitham.

Nays: Benlon, Bethell, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Palmer, Pauls, Phelps, Pottorff, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Ballard, Winn, Yoder.

The bill did not pass.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote yes on **HB 2259** because poor people should have the same options as the rich.—BILL OTTO

MR. SPEAKER: I vote yes on **HB 2259**. This bill gives the poorest among us the opportunity for choice in healthcare. It empowers individuals to have ownership of their healthcare and encourages them to save for the future.—PEGGY MAST

Sub. HB 2320, An act concerning state finance; establishing the budget stabilization reserve fund in the state treasury; prescribing guidelines for expenditures from such fund and transfers between such fund and the state general fund; amending K.S.A. 2008 Supp. 75-3721 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, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Fund, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Hayzlett, Henderson, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Long, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfroid, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafaneli, Talia, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: Benlon, T. Brown, Burroughs, Carlin, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Grant, Hawk, Henry, Johnson, Kuether, Loganbill, Lukert, Mah, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Tietze, Trimmer, Ward.

Present but not voting: None.

Absent or not voting: Ballard, Winn, Yoder.

The substitute 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 **SB 5** be passed.

Committee report to **HB 2319** be adopted; and the bill be passed as amended.

Committee report to **HB 2354** be adopted; also, on motion of Rep. Huebert to amend, the motion did not prevail, and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2008** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2008," as follows:

"Substitute for HOUSE BILL No. 2008
By Committee on Education

"AN ACT concerning epinephrine; relating to the administration thereof; authorizing the maintenance of epinephrine kits; amending K.S.A. 2008 Supp. 65-2872 and repealing the existing section.";

and the substitute bill be passed.

(**Sub. HB 2008** was thereupon introduced and read by title.)

Committee on **Financial Institutions** recommends **SB 240** be passed.

Committee on **Financial Institutions** recommends **SB 163** be amended on page 5, in line 8, by striking "if applicable,;" in line 10, following "act" by inserting ", unless otherwise exempted from such act,;" and the bill be passed as amended.

Committee on **Higher Education** recommends **SB 131** 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 34** be amended on page 1, following the enacting clause by inserting the following:

"New Section 1. (a) Except as otherwise provided by this section, the information contained in responses to wage and salary surveys conducted by the director of personnel services to provide wage and salary information about jobs in other public and private employment under K.S.A. 75-2938, and amendments thereto, shall be confidential and shall not be subject to disclosure under the open records act, K.S.A. 45-215 et seq., and amendments thereto, or any other statute. The information contained in responses to such wage and salary surveys shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action. The confidentiality prescribed by this section is not subject to expiration pursuant to K.S.A. 45-229, and amendments thereto, or any other statute.

(b) The information contained in such responses to wage and salary surveys conducted by the director of personnel services to provide wage and salary information about jobs in other public and private employment under K.S.A. 75-2938, and amendments thereto, shall be disclosed upon written request if no person or entity can be identified in the information to be disclosed as determined by the director of personnel services.";

And by renumbering the remaining sections accordingly;

On page 4, in line 14, by striking "and 2007" and inserting ", 2007 and 2008"; in line 15, by striking "2012" and inserting "2014"; in line 16, preceding "8-1324" by inserting "8-255c,;" also in line 16, following "12-2001" by inserting ", 12-5332, 17-12a607, 38-1008, 38-2209"; in line 17, preceding "65-3239" by inserting "subsections (a)(44), (45), (46) and (47) of 45-221, 56-1a610, 56a-1204, 65-1,243,;" also in line 17, by striking "and" and inserting a comma; in line 18, preceding the period by inserting "74-50,184, 74-8134, 74-99b06 and 82a-2210"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 70** be amended on page 4, after line 23, by inserting the following:

“New Sec. 2. (a) The income standard established in section 1, and amendments thereto, does not create a presumption or implication that a trustee who distributes less than 3% or more than 5% is breaching a trustee’s fiduciary duty to a beneficiary.

(b) This section shall be part of and supplemental to the uniform principal and income act (1997).”;

And by renumbering the remaining section accordingly; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 37** be amended on page 1, by striking all in lines 28 through 32;

And by relettering the remaining subsections accordingly;

Also on page 1, following line 36, by inserting the following:

“New Sec. 3. (a) It shall be unlawful for any person to operate a work-site utility vehicle:

(1) On any interstate highway, federal highway or state highway; or (2) within the corporate limits of any city unless authorized by such city.

(b) No work-site utility vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.

(c) This section shall be part of and supplemental to the uniform act regulating traffic on highways.”;

On page 4, in line 12, by striking “48” and inserting “50”; also in line 12, by striking “1,000” and inserting “1,500”; in line 13, by striking “low-pressure” and inserting “non-highway”; in line 14, by striking “low-pressure” and inserting “nonhighway”; in line 16, by striking “12” and inserting “14”; also in line 16, by striking all following “less”; by striking all in line 17; in line 18, by striking all preceding the period;

On page 5, in line 20, by striking “144” and inserting “160”; following line 34, by inserting the following:

“(5) work-site utility vehicle.”;

And by renumbering the remaining subsections accordingly;

On page 6, following line 30, by inserting the following:

“Sec. 6. K.S.A. 2008 Supp. 8-1402a is hereby amended to read as follows: 8-1402a. “All-terrain vehicle” means any motorized nonhighway vehicle ~~48~~ 50 inches or less in width, having a dry weight of ~~1,000~~ 1,500 pounds or less, traveling on three or more ~~low-pressure nonhighway~~ tires, having a seat designed to be straddled by the operator. As used in this section, “~~low-pressure nonhighway~~ tire” means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of ~~12~~ 14 inches or less ~~and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.~~”;

Also on page 6, following line 36, by inserting the following:

“Sec. 8. K.S.A. 2008 Supp. 8-1494 is hereby amended to read as follows: 8-1494. “Micro utility truck” means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than ~~144~~ 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. “Micro utility truck” does not include a work-site utility vehicle.”;

And by renumbering the remaining sections accordingly;

On page 10, following line 26, by inserting the following:

“Unlawful operation of work-site utility vehicle section 2 \$60”;

On page 13, in line 28, by striking “8-1486” and inserting “8-1402a, 8-1486, 8-1494”;

In the title, in line 10, by striking “golf carts” and inserting “the regulation of certain vehicles”; in line 11, by striking “8-1486” and inserting “8-1402a, 8-1486, 8-1494”; 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 2381, An act concerning docket fees; relating to the judicial branch nonjudicial salary adjustment fund; amending K.S.A. 2008 Supp. 8-2107, 8-2110, 20-1a04, 20-1a15, 20-367, 23-108a, 28-170, 28-172a, 32-1049a, 38-2215, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

Sub. HB 2029; HB 2259; Sub. HB 2320 reported correctly engrossed March 11, 2009.

On motion of Rep. Merrick, the House adjourned until 10:30 a.m., Friday, March 13, 2009.

Journal of the House

FORTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 13, 2009, 10:30 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 118 members present.
Reps. Aurand, Ballard, Jack, Kelley, Svaty, Winn and Yoder were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Father God,
Today as we finish another week
yet still have much to accomplish, grant us clear analysis, and creative response
to the needs we address.
Guide our minds into great collaboration and move hearts toward true solutions
that bring us a greater unity
with each other and with You. As we break over the weekend,
help us to step back and
free our minds of the minute details.
Help us to relax the thought processes,
and renew us with Your strength and energy
for the demands of the coming week.
Please be with the family of Raney Gilliland whose father passed away.
Bring peace, comfort and strength in these days
as they experience the loss of a loved one.
In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Brookens.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Flaharty are spread upon the journal:

Good morning, I wish to share my joy in welcoming a new Kansan. The chocolate bars on your desks are in honor of Emma Marie Flaharty born yesterday afternoon to Loren and Kara Flaharty of Derby, Kansas. Emma Marie is also my first great-grandchild. This new life reminds me that our purpose here is to provide the best possible Kansas for each of our citizens.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2382, An act relating to transportation; providing for a transportation program; amending K.S.A. 68-416, 68-2319, 68-2320 and 68-2321 and K.S.A. 2008 Supp. 68-2315 and 68-2331 and repealing the existing sections; also repealing K.S.A. 68-2314a, by Committee on Taxation.

HB 2383, An act concerning fines and penalties; amending K.S.A. 65-3024 and 65-34,146 and K.S.A. 2008 Supp. 65-3424g, 65-34,114 and 82a-952 and repealing the existing sections, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **SB 212, SB 213.**

Health and Human Services: **SB 262.**

Judiciary: **HB 2381, SB 223.**

COMMUNICATIONS FROM STATE OFFICERS

From Mark S. Beck, Director, Division of Property Valuation, Kansas Department of Revenue, in accordance with K.S.A. 79-1490, 2008 Preliminary Ratio Study.

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 204, SB 254, SB 257.**

Announcing passage of **HB 2004, HB 2092.**

Announcing passage of **HB 2158**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 204, SB 254, SB 257.

CONSENT CALENDAR

Objection was made to **SB 122** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 131** appearing on the Consent Calendar for the first day.

No objection was made to **SB 123, SB 137** appearing on the Consent Calendar for the second day.

No objection was made to **SB 40, SB 86** 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 40, An act repealing K.S.A. 2008 Supp. 72-9910 and 72-9911; relating to the at-risk education council, 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: 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, Huntington, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Jack, Kelley, Svaty, Winn, Yoder.

The bill passed.

SB 86, An act concerning the secretary of state; relating to letters of good standing; amending K.S.A. 17-7506 and repealing the existing section, was considered on final action.

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

Yeas: 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, Huntington, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: Landwehr, O'Brien, Vickrey.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Jack, Kelley, Svaty, Winn, Yoder.

The bill passed.

HB 2319, An act concerning property taxation; relating to fair market value of certain rental property; amending K.S.A. 2008 Supp. 79-503a and repealing the existing section, 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: 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, Huntington, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Jack, Kelley, Svaty, Winn, Yoder.

The bill passed, as amended.

HB 2354, 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 63; Nays 55; Present but not voting: 0; Absent or not voting: 7.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Faber, Fund, Furtado, George, Goico, Gordon, Goyle, Grange, Hayzlett, Henderson, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Long, Maloney, Mast, McLeland, Merrick, Morrison, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Swanson, Swenson, Tafanelli, Watkins, B. Wolf.

Nays: Benlon, Bethell, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henry, Hill, Huntington, Johnson, Kuether, Light, Loganbill, Lukert, Mah, McCray-Miller, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Spalding, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Jack, Kelley, Svaty, Winn, Yoder.

The bill passed, as amended.

SB 5, An act designating part of United States highway 160 as the 1011th Quartermaster Co. U.S. Army Reserve memorial highway, 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: 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, Huntington, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuetner, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Jack, Kelley, Svaty, Winn, Yoder.

The bill passed.

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 2343**, **HB 2084** be passed.

Committee report to **SB 84** be adopted; and the bill be passed as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Huebert, the House nonconcurrent in Senate amendments to **HB 2158** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Huebert, Schwab and Sawyer as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Aging and Long Term Care** recommends **SB 148** 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 **HB 2295** be amended on page 1, in line 32, by striking "immediately"; in line 33, by striking "exactly the same" and inserting "a similar"; in line 42, by striking "shall be deemed false and misleading. Such statements"; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **SB 64** be amended on page 3, in line 38, after "(g)" by inserting "sworn statement or"; and the bill be passed as amended.

Committee on **Elections** recommends **SB 3** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 3," as follows:

"HOUSE Substitute for SENATE BILL No. 3

By Committee on Elections

"AN ACT concerning elections; amending K.S.A. 2008 Supp. 25-1122, 25-1123, 25-2908 and 25-3002 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for **SB 3** was thereupon introduced and read by title.)

Committee on **Elections** recommends **SB 80** be amended on page 2, in line 6, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Elections** recommends **SB 171** be amended on page 2, in line 4, after “(c)” by inserting “(1)”; after line 6, by inserting the following:

“(2) If a majority of the qualified electors voting on the resolution submitted to the voters pursuant to this section who reside within the corporate limits of the city of Goodland, Kansas, and a majority of the qualified electors voting on such resolution who reside outside of the corporate limits of the city of Goodland, Kansas, vote in favor thereof, the resolution shall be implemented in the manner provided by the resolution. If a majority of the electors who reside within the corporate limits of the city of Goodland, Kansas or a majority of the qualified electors who reside outside of the corporate limits of the city of Goodland, Kansas, vote against such resolution, the proposed resolution shall not be implemented.”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2180** be amended on page 2, in line 18, after the period by inserting “Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer.”; after line 19, by inserting the following:

“Sec. 2. K.S.A. 41-2637 is hereby amended to read as follows: 41-2637. (a) A license for a class A club shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members and their families, and guests accompanying them.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person’s family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) *A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.*

Sec. 3. K.S.A. 41-2641 is hereby amended to read as follows: 41-2641. (a) A license for a class B club shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members of such club and guests accompanying them.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person’s family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) Except as provided by subsection (d), an applicant for membership in a class B club shall, before becoming a member of such club:

(1) Be screened by the club for good moral character;

(2) pay an annual membership fee of not less than \$10; and

(3) wait for a period of 10 days after completion of the application form and payment of the membership fee.

(d) Notwithstanding the membership fee and waiting period requirement of subsection (c):

(1) Any class B club located on the premises of a hotel or RV resort may establish rules whereby a guest, who registered at the hotel or RV resort and who is not a resident of the county in which the club is located, may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(2) Any class B club located on property which is owned or operated by a municipal airport authority and upon which consumption of alcoholic liquor is authorized by law may establish rules whereby an air traveler who is a holder of a current airline ticket may file application for temporary membership in such club for the day such air traveler's ticket is valid, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(3) Any class B club may establish rules whereby military personnel of the armed forces of the United States on temporary duty and housed at or near any military installation located within the exterior boundaries of the state of Kansas may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of the training, not to exceed 20 weeks. Any person wishing to make application for temporary membership in a class B club under this subsection (d)(3) shall present the temporary duty orders to the club. Temporary membership issued under this subsection (d)(3) shall not be subject to the waiting period or fee requirements of this section.

(4) Any class B club may enter into a written agreement with a hotel or RV resort whereby a guest who is registered at the hotel or RV resort and who is not a resident of the county in which the club is located may file application for temporary membership in such club. The temporary membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and shall not be subject to the waiting period or dues requirement of this section. A club may enter into a written agreement with a hotel or RV resort pursuant to this provision only if (A) the hotel or RV resort is located in the same county as the club, (B) there is no class B club located on the premises of the hotel or RV resort and (C) no other club has entered into a written agreement with the hotel or RV resort pursuant to this section.

(5) Any class B club located in a racetrack facility where races with parimutuel wagering are conducted under the Kansas parimutuel racing act may establish rules whereby persons attending such races may file an application for temporary membership in such club for the day such person is attending such races, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(e) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 4. K.S.A. 2008 Supp. 41-719 is hereby amended to read as follows: 41-719. (a) ~~No~~ (1) *Except as otherwise provided herein and in K.S.A. 8-1599, and amendments thereto, no person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.*

(2) *Alcoholic liquor may be consumed at a special event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645, and amendments thereto, for such special event. Such special event must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any such special event.*

(3) *No person shall remove any alcoholic liquor from inside the boundaries of a special event as designated by the governing body of any city, county or township. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event.*

(4) *No person shall possess or consume alcoholic liquor inside the premises licensed as a special event that was not sold or provided by the licensee holding the temporary permit for such special event.*

(b) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or

(5) on the premises of a microbrewery or farm winery, if authorized by K.S.A. 41-308a or 41-308b, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state-owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments thereto, or established by a city.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic beer or wine or wine imported under subsection (e) of K.S.A. 41-308a, and amendments thereto, and is consumed only for purposes of judging competitions; (B) the alcoholic liquor is wine or beer and is sold and consumed during the days of the Kansas state fair on premises leased by the state fair board to a person who holds a temporary permit issued pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the sale and serving of such wine or beer, or both; or (C) the alcoholic liquor is consumed on nonfair days in conjunction with bona fide scheduled events involving not less than 75 invited guests and the state fair board, in its discretion, authorizes the consumption of the alcoholic liquor, subject to any conditions or restrictions the board may require.

(6) In the state historical museum provided for by K.S.A. 76-2036, and amendments thereto, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(7) On the premises of any state-owned historic site under the jurisdiction and supervision of the state historical society, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(8) In a lake resort within the meaning of K.S.A. 32-867, and amendments thereto, on state-owned or leased property.

(9) In the Hiram Price Dillon house or on its surrounding premises, subject to limitations established in policies adopted by the legislative coordinating council, as provided by K.S.A. 75-3682, and amendments thereto.

(10) On the premises of any Kansas national guard regional training center or armory, and any building on such premises, as authorized by rules and regulations of the adjutant general and upon approval of the Kansas military board.

(11) On property exempted from this subsection (c) pursuant to subsection (d), (e), (f), (g) or (h).

(d) Any city may exempt, by ordinance, from the provisions of subsection (c) specified property the title of which is vested in such city.

(e) The board of county commissioners of any county may exempt, by resolution, from the provisions of subsection (c) specified property the title of which is vested in such county.

(f) The state board of regents may exempt from the provisions of subsection (c) the Sternberg museum on the campus of Fort Hays state university, or other specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) the Mulvane art center and the Bradbury Thompson alumni center on the campus of Washburn university, and other specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) The board of trustees of a community college may exempt from the provisions of subsection (c) specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(i) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 or by imprisonment for not more than six months, or both.

(j) *For the purposes of this section, "special event" means a picnic, bazaar, festival or other similar community gathering, which has been approved by the local governing body of any city, county or township.*

Sec. 5. K.S.A. 2008 Supp. 41-2645 is hereby amended to read as follows: 41-2645. (a) A temporary permit shall allow the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, which may be open to the public, subject to the terms of such permit.

(b) The director may issue a temporary permit to any one or more persons or organizations applying for such a permit, in accordance with rules and regulations of the secretary. The permit shall be issued in the names of the persons or organizations to which it is issued.

(c) Applications for temporary permits shall be required to be filed with the director not less than 14 days before the event for which the permit is sought unless the director waives such requirement for good cause. Each application shall state the purposes for which the proceeds of the event will be used. The application shall be upon a form prescribed and furnished by the director and shall be filed with the director in duplicate. Each application shall be accompanied by a permit fee of \$25 for each day for which the permit is issued, which fee shall be paid 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 thereof. All permit 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.

(d) Temporary permits shall specify the premises for which they are issued and shall be issued only for premises where the city, county or township zoning code allows use for which the permit is issued. No temporary permit shall be issued for premises which are not located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, to adopt the proposition amending section 10 of article 15 of the constitution of the state of Kansas at the general election in November, 1986; or (B) have approved a proposition to allow the sale of liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(e) (1) *A temporary permit may be issued for the consumption of alcoholic liquor on a city, county or township street, alley, road, sidewalk or highway for a special event; provided, that such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the*

governing body of such city, county or township for such special event, a written request for such consumption and possession of such alcoholic liquor has been made to the local governing body and the special event is approved by the governing body of such city, county or township by ordinance or resolution. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event.

(2) Drinking establishments that are immediately adjacent to, or located within the licensed premises of a special event, for which a temporary permit has been issued and the consumption of alcoholic liquor on public property has been approved, may request that the drinking establishment's licensed premises be extended into and made a part of the licensed premises of the special event for the duration of the temporary permit issued for such special event.

(3) Each licensee selling alcoholic liquor for consumption on the premises of a special event for which a temporary permit has been issued shall be liable for violations of all laws governing the sale and consumption of alcoholic liquor.

(4) For the purposes of this section, "special event" shall have the same meaning given that term in K.S.A. 41-719, and amendments thereto.

~~(f)~~ *(f) A temporary permit shall be issued for a period of time not to exceed three consecutive days, the dates and hours of which shall be specified in the permit, except that the director may issue one temporary permit, valid for the entire period of time of the Kansas state fair, which authorizes the sale of wine in its original, unopened container and the serving by the drink of only wine or beer, or both, on the state fairgrounds on premises specified in the temporary permit, by a person who has entered into an agreement with the state fair board for that purpose. Not more than four temporary permits may be issued to any one applicant in a calendar year.*

~~(g)~~ *(g) All proceeds from an event for which a temporary permit is issued shall be used only for the purposes stated in the application for such permit.*

~~(h)~~ *(h) A temporary permit shall not be transferable or assignable.*

~~(i)~~ *(i) The director may refuse to issue a temporary permit to any person or organization which has violated any provision of the Kansas liquor control act, the drinking establishment act or K.S.A. 79-41a01 et seq., and amendments thereto.;*

And by renumbering the remaining sections accordingly;

Also on page 2, in line 20, by striking "41-2642 is" and inserting "41-2637, 41-2641 and 41-2642 and K.S.A. 2008 Supp. 41-719 and 41-2645 are";

In the title, in line 9, by striking "relating to drinking establish-"; in line 10, by striking "ment license.;" also in line 10, by striking "41-2642 and" and inserting "41-2637, 41-2641 and 41-2642 and K.S.A. 2008 Supp. 41-719 and 41-2645 and"; in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 19** be amended on page 4, in line 35, by striking all after "attorney" where it appears for the second time; in line 36, by striking all before the semicolon; in line 38, by striking "and while actually engaged in the duties of their employment"; in line 39, by striking "and"; in line 40, by striking all before the semicolon; in line 43, by striking "and while actually engaged in the duties of their employment";

On page 5, in line 43, by striking "courthouse" and inserting "facility, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district";

On page 6, following line 2, by inserting:

"(d) Notwithstanding the provisions of this section, any county may elect by passage of a resolution that the provisions of subsection (c) shall not apply to such county's facilities; provided, that such facilities have adequate security measures to ensure that no weapons are permitted to be carried into such facilities and that a sign be conspicuously posted at each entryway into such facility stating that the provisions of subsection (c) do not apply to such facility. For the purposes of this section, "adequate security measures" means the use of electronic equipment and personnel to detect and restrict the carrying of any weapons into the facility, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes.;"

And by relettering remaining subsections accordingly;

Also on page 6, in line 9, by striking “at their own expense.”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 16** be passed.

Committee on **Insurance** recommends **Sub. SB 89** be placed 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 156** 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 2082** be amended on page 1, in line 15, after the period, by inserting “This act shall be part of and supplemental to the Kansas consumer protection act.”;

On page 2, in line 20, by striking “of not less than \$5,000 nor more than \$15,000 per violation” and inserting “as provided in subsection (a) of K.S.A. 50-636, and amendments thereto”; after line 23, by inserting the following:

“Sec. 5. It shall be an affirmative defense to a violation of this 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.”;

And by renumbering the remaining section accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 85** be amended on page 2, in line 3, before the period by inserting “, where the instrument shall be recorded in an electronic medium”; in line 11, by striking “original”; in line 12, by striking “signed instrument” and inserting “electronically-recorded document”; in line 18, before “copy” by inserting “certified”;

On page 4, in line 32, before “copy” by inserting “certified”; in line 33, before “copy” by inserting “certified”;

On page 5, in line 8, before the period by inserting “, where the instrument shall be recorded in an electronic medium”; in line 17, by striking “original filing” and inserting “electronically-recorded document”; in line 20, after “medium” by inserting “and that electronic document shall become the original document”;

On page 6, in line 14, after “state” by inserting “, where the instrument shall be recorded in an electronic medium”; in line 22, by striking “original certificate” and inserting “electronically-recorded document” in line 25, after “medium” by inserting “and that electronic document shall become the original document” in line 26, before “copy” by inserting “certified”

On page 7, in line 4, after “after” by inserting “July 1, 2010, and”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 159** be amended on page 1, in line 37, after “(i)” by inserting “ “Resident agent” means a domestic corporation, a domestic limited partnership, a domestic limited liability company or a domestic business trust or a foreign corporation, a foreign limited partnership, a foreign limited liability company or a foreign business trust authorized to transact business in this state, and which is generally open during regular business hours to accept service of process on behalf of a non-participating manufacturer.

(j)”;

And by relettering the remaining subsections accordingly;

On page 2, in line 22, by striking “regis-”; in line 23, by striking “tered” and inserting “resident”;

On page 3, in line 14, by striking “registered” and inserting “resident”; in line 16, by striking “registered” and inserting “resident”; in line 18, by striking “registered” and inserting “resident”; after line 36, by inserting the following:

“(d) A resident agent may change the resident agent’s address when appointed to accept service of process on behalf of a non-participating manufacturer for which such agent is a

resident agent, to another address in this state by mailing a letter, via certified or registered mail, to the attorney general. The letter shall be on company letterhead and executed by the resident agent. The letter shall contain the following:

- (1) The names of all non-participating manufacturers represented by the resident agent;
- (2) the address at which the resident agent has maintained the resident agent's office for each manufacturer;
- (3) a certification of the new address to which the resident agent's address will be changed to on a given day; and
- (4) a certification at which the resident agent will thereafter maintain the resident agent's address for each of the non-participating manufacturers recited in the letter.

Upon the filing of the letter with the attorney general and thereafter, or until further change of address, as authorized by law, the office address of the resident agent recited in the letter shall be located at the new address of the resident agent as provided in the letter.”;

Also on page 3, in line 37, by striking all after “(1)” ; by striking all in lines 38 through 43;

On page 4, by striking all in lines 1 and 2 and inserting “No later than 10 calendar days after the end of each calendar month, and more frequently if so directed by the attorney general or director, each stamping agent authorized to affix tax indicia to packages of cigarettes pursuant to K.S.A. 79-3311, and amendments thereto, shall submit such information as the attorney general or director requires. No later than 20 calendar days after the end of each calendar month, and more frequently if so directed by the attorney general or director, each stamping agent who is required to pay the tax on the privilege of selling or dealing in roll-your-own tobacco products pursuant to K.S.A. 79-3371, and amendments thereto, shall submit such information as the attorney general or director requires.”; in line 5, by striking “the attorney general or”; in line 6, by striking “the attorney general or”; in line 7, by striking the colon; by striking all in lines 8 through 10 and inserting “for a period of at least three years.”;

On page 5, in line 8, after “eral” by inserting “or director”; in line 9, after “tobacco” by inserting “product”;

On page 6, in line 34, by striking “person” and inserting “wholesale dealer, as defined in K.S.A. 79-3301, and amendments thereto, or distributor, as defined in K.S.A. 79-3301, and amendments thereto, of cigarettes and roll-your-own tobacco products”; in line 35, by striking “as a stamping agent”; in line 36, by striking “person” and inserting “wholesale dealer or distributor”; also in line 36, by striking “attorney general” and inserting “director”;

On page 8, in line 39, after “dealer” by inserting “, vending machine operator”; in line 40, after “dealer” by inserting “or vending machine operator”;

On page 9, after line 5, by inserting the following:

“(c) If a court determines that a person has violated this act, the court shall order any profits, gains, gross receipts or other benefit from the violation be surrendered. Any profits, gains, gross receipts or other benefit surrendered from the violation shall be collected pursuant to this subsection and shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the cigarette and tobacco products regulation fund created pursuant to subsection (e) of K.S.A. 79-3391, and amendments thereto.

(d) Unless otherwise expressly provided, the remedies or penalties provided by this act are cumulative to each other and to the remedies or penalties under all other laws of this state.”;

Also on page 9, in line 12, after “of” where it appears the second time by inserting “non-participating manufacturers”; also in line 12, by striking “stamped”; in line 13, after “general” by inserting “or director”; in line 14, by striking “and” and inserting “ These reports”; in line 15, by striking “stamped” and inserting “on which state taxes were paid”;

On page 14, in line 6, by striking the colon; by striking all in lines 7 through 9; in line 10, by striking “(C) on or after January 1, 2012.”; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 38** be passed.

Committee on **Local Government** recommends **SB 35** be amended on page 1, in line 43, by striking “2010, the provisions of sub-”;

On page 2, in line 1, by striking all before the period and inserting “2011, the maximum stated rate of interest which may be fixed on fixed-rate or variable-rate bonds issued by a municipality or taxing subdivision of the state of Kansas shall be determined on the day the bonds are sold and shall not exceed the daily yield for the ten-year treasury bonds published by The Bond Buyer, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus (1) 10%, if the interest on the bonds is excluded from gross income for federal income tax purposes or (2) 13%, if the interest on the bonds is included in gross income for federal income tax purposes”; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 115** 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 **SB 145** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No 145,” as follows:

“HOUSE Substitute for SENATE BILL No. 145

By Committee on Transportation

“AN ACT regulating traffic; concerning cotton modules; amending K.S.A. 2008 Supp. 8-1916 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 145** 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. 67, by Representative Proehl, congratulating Bridgett Modesitt for being named to the 2008-2009 All-Kansas Academic Team for Labette Community College;

Request No. 68, by Representative Proehl, congratulating Jessica Mayberry for being named to the 2008-2009 All-Kansas Academic Team for Labette Community College;

Request No. 69, by Representative Colloton, commending Kevin P. Cokingtin in recognition of achieving the rank of Eagle Scout;

Request No. 70, by Representative Colloton, commending Brendan M. Cokingtin in recognition of achieving the rank of Eagle Scout;

Request No. 71, by Representative Bowers, commending Kelly Conwell on receiving the Student Chef of the Year at the American Culinary Federation Conference;

Request No. 72, by Representative Morrison, congratulating Lon Frahm on earning the “Top Agricultural Producer of the Year” award;

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 ENGROSSED BILLS

HB 2319, HB 2354 reported correctly engrossed March 12, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, March 16, 2009.

Journal of the House

FORTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 16, 2009, 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. Crow, McLeland and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
The agenda is laid out before us.
To address are . . .
annexation, taxation and mortgage regulation—
none of which we can shun.
Add to that . . .
education, transportation and corporations—
the amount of work is a ton.
And, don't forget . . .
insurance calculations, financial institutions and
zoning urbanization
Are we ever going to get done?
The list goes on there are bills to be won . . .
so guide us and direct us . . .
for without Your wisdom, we have none.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Slattery.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Dillmore are spread upon the journal:

Today I would like to present you with a complimentary copy of the book *Kansas Critters: Birds*; a Wildlife Book written and illustrated by Kansas Kids.

This book is a children's art, creative writing, and wildlife learning initiative published by the Friends of the Great Plains Nature Center and supported by a generous grant from the Lattner Family Foundation.

For this book over 3,200 entries from children all over Kansas, in Kindergarten through 8th grade, were received. Of these, 228 were selected for the book.

Three years ago, the Friends of the Great Plains Nature Center published their first book, *Kansas Critters: Mammals*. They are making plans for their next book, *Kansas Critters, Bugs*, with entries due by February 15, 2010.

The Great Plains Nature Center is a unique facility in northeast Wichita that is a cooperative project among the U.S. Fish and Wildlife Service, Kansas Department of Wildlife and Parks, and the City of Wichita Parks Department. Its mission is to provide opportunities for the public to learn about natural resources of the Great Plains Region, especially the wildlife and plant species. It opened in 2000.

The Friends of the Great Plains Nature Center is a 501(c)3 support organization for the Great Plains Nature Center in Wichita providing five employees, financial assistance, and volunteers.

Today I have the honor to present some of the students who participated in this project. Here with us today are:

Christin Gillman, a 9th grader at Lighthouse Christian Academy, Rose Hill. Christin did the art for the cover of the bird book, as well as a picture inside, and had work selected for the previous mammal book.

Hannah Gillman, in the 11th grade at Lighthouse, was too old to contribute to the bird book, but had an entry selected for the mammal book.

Amanda Gillman, in the 8th grade at Lighthouse, had entries for the bird and mammal books.

Michal Gillman, in the 5th grader at Lighthouse, had entries were selected for both the bird book and the mammal book.

Jamie Gillman, a 4th grade student at Lighthouse, had entries for the bird book.

We also have members of the Michigan Valley 4-H Club in Overbrook, who attend Overbrook Attendance Center. All had entries selected for the bird book and they are:

Gabe Butel, 1st grade.

Calvary Lyle, 5th grade.

Chelsea Moore, 8th grade.

Their 4-H leader and art instructor, Deloris Schoepflin, passed away last fall, but would be so very proud of "her kids."

Lastly, I would like to introduce Carolyn Lindsey from Wichita, President of FGPNC and Mike Leck of El Dorado, Business Manager and Treasurer of FGPNC.

Please join me in expressing our appreciation for their gift to the State of Kansas and to the House of Representatives.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2384, An act concerning the state water plan fund; amending K.S.A. 82a-951 and repealing the existing section, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. 5014—

By Representatives Finney, Burroughs, Davis, DeGraaf, Hermanson, Hill, Long, Sloan, Talia, Trimmer and Ward

A CONCURRENT RESOLUTION recognizing the Kansas department of transportation, the Oklahoma department of transportation, the Texas department of transportation and Amtrak for their work in preparing an Amtrak, Kansas City-Wichita-Oklahoma City-Fort Worth Passenger Rail Feasibility Report and Study Scope and urging the Kansas department of transportation to apply for federal funding.

WHEREAS, The State of Kansas appropriated \$200,000 in 2008 for a National Railroad Passenger Corporation (hereafter referenced as Amtrak) passenger rail feasibility study; and WHEREAS, Amtrak began work on the feasibility study in December 2008; and

WHEREAS, Kansas is developing its 10-year comprehensive transportation plan; and

WHEREAS, A framework for the Kansas 10-year comprehensive transportation plan is expected to be approved during the 2009 Kansas legislative session; and

WHEREAS, Federal funding for passenger rail projects is now available through the federal Rail Safety Improvement Act; and

WHEREAS, \$1.9 billion will be appropriated during the federal FY 2009 through the FY 2013 for state matching capital grants not to exceed 80 percent federal contribution; and

WHEREAS, A state passenger rail plan is required to be eligible for these federal matching programs; and

WHEREAS, The State of Kansas has yet to develop a qualifying passenger rail plan; and

WHEREAS, Energy price volatility is expected to continue for the foreseeable future; and

WHEREAS, Passenger rail provides a fuel efficient mode of transportation for Kansas residents, business travelers and tourists; and

WHEREAS, The Texas and Oklahoma Heartland Flyer passenger train, as operated by Amtrak, is annually one of the highest rated Amtrak passenger trains nationally in customer satisfaction; and

WHEREAS, Economic development generated by after-the-fare box-revenues are important for the safety, quality of life, stabilization of local government tax bases, out-of-state tourism and visitation with associated revenues and tax collections and economic health of Kansas communities; and

WHEREAS, Underutilized or abandoned railroad stations will benefit from the financial investment provided under federal grants and further enhance the economic opportunity and redevelopment and revitalization of main street and rural communities; and

WHEREAS, The city councils and governing bodies of 33 cities and four county governments in Kansas have submitted resolutions of support for intercity passenger rail to the Kansas governor and department of transportation; and

WHEREAS, The city councils and governing bodies of eight city councils in Northern Oklahoma as well as the cities of Denton, Gainesville and Krum, Texas have likewise issued similar resolutions; and

WHEREAS, The mayors of Ponca City, Perry, Guthrie, Edmond, Oklahoma City, Norman, Purcell and Ardmore in Oklahoma signed a letter of emergency seeking Amtrak expansion through to Kansas City: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we recognize the Kansas department of transportation, the Oklahoma department of transportation, the Texas department of transportation and Amtrak for their work in preparing an Amtrak feasibility study; and

Be it further resolved: That the Kansas department of transportation amend the state comprehensive transportation plan with specific inclusion of intercity passenger rail development; and

Be it further resolved: That the Kansas department of transportation is encouraged to develop a long range passenger rail plan to be included within the framework of the 10-year comprehensive transportation plan, as a requirement to seek matching federal passenger rail capital funding; and

Be it further resolved: That the Kansas department of transportation take immediate action to apply for the grant provision in the federal American Recovery and Reinvestment Act of 2009 as provided for full funding and development of the intercity passenger rail route between Kansas City and Oklahoma City, as outlined in the passenger rail feasibility study; and

Be it further resolved: That the Kansas department of transportation be enabled to prepare an application for an American Recovery and Reinvestment Act of 2009 grant pursuant to the initiation guidelines issued by the United States Federal Railroad Administration; and *Be it further resolved:* That the State of Kansas intends to further develop its multi-modal transportation plan incorporating supplemental state passenger rail funding contingent on the findings of the Amtrak Kansas study; and

Be it further resolved: That the State of Kansas seeks to enhance economic development opportunities in its communities through supplemental passenger rail operations; and

Be it further resolved: That Amtrak is encouraged to expedite completion and delivery of the Kansas passenger rail feasibility study; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the United States Department of Transportation Secretary, members of the Kansas Congressional Delegation, members of the Oklahoma Congressional Delegation, the Governors of Kansas, Oklahoma and Texas, the Secretaries of Transportation from Kansas, Oklahoma and Texas, the State Senate Presidents of Oklahoma and Texas, the House Speakers of Oklahoma and Texas, the President and Chief Executive Officer of the National Railroad Passenger Corporation and the United States Secretary of Transportation.

HOUSE CONCURRENT RESOLUTION No. 5015—

By Committee on Education

A CONCURRENT RESOLUTION directing the State Board of Education to take certain actions in relation to children with reading problems, including dyslexia.

WHEREAS, The State Board of Education has made a strong commitment for all students to learn and perform well in school, which requires a focus on early literacy programs and appropriate diagnostic screening, including the screening of language processing; and

WHEREAS, The Kansas legislature has made a strong commitment to help children with disabilities, including dyslexia, and is determined that all children with disabilities, including dyslexia, be provided help and support within Kansas schools; and

WHEREAS, Federal law requires each school district to comply with appropriate teacher training to meet the needs of children with disabilities, including dyslexia, as required in the Individuals with Disabilities Education Act; and

WHEREAS, Federal law requires each school district to implement appropriate activities to ensure children with disabilities, including dyslexia, are appropriately screened at an early age, and where appropriate, identified as a child with dyslexia: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the State Board of Education shall endeavor to ensure that early screening or testing will identify children with a reading disability, including dyslexia; and

Be it further resolved: That the State Board of Education shall endeavor to review the partnerships with early childhood education providers to see that reading diagnostic assessments used in pre-Kindergarten and Kindergarten levels and grades 1 and 2 will ensure that reading problems, including dyslexia, are identified and analyzed; and

Be it further resolved: That the State Board of Education shall endeavor to review the level and pace of implementation of the best practices of instruction including, but not limited to, the multi-tier system of support in school districts to ensure that reading problems, including dyslexia, are identified and analyzed; and

Be it further resolved: That the State Board of Education shall endeavor to review teacher preparation courses to ensure that knowledge of the best practices of instruction including, but not limited to, the multi-tier system of support and scientifically-based reading instructional components used to instruct children with disabilities, including dyslexia, is addressed; and

Be it further resolved: That the State Board of Education shall endeavor to ensure that parents have easy access to all information, including appropriate interventions and the appropriate pace of interventions that are recommended by the multi-tier system of support and contact information of school building administrators, school district administrators and the State Department of Education; and

Be it further resolved: That the State Board of Education shall submit a report of the activities of the Board in relation to this resolution and the progress made in achieving the endeavors specified in the resolution and shall submit such report to the legislature on or before December 31, 2009; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the Chairperson of the State Board of Education.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **SB 204**.

Local Government: **SB 254, SB 257**.

Transportation: **HB 2382**.

Agriculture and Natural Resources Budget: **HB 2383**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2235** from Committee on Appropriations and rereferral to Committee on Corrections and Juvenile Justice.

Also, the withdrawal of **HB 2275** from Committee on Appropriations and rereferral to Committee on Health and Human Services..

MESSAGE FROM THE SENATE

Announcing passage of **SB 54, SB 224, SB 241, SB 248, SB 260, SB 290.**

Announcing passage of **HB 2003, HB 2007, HB 2157, HB 2188, HB 2207, HB 2232.**

Announcing passage of **HB 2121**, as amended; **HB 2197**, as amended; **HB 2265**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 54, SB 224, SB 241, SB 248, SB 260, SB 290.

CONSENT CALENDAR

Objection was made to **SB 131, SB 123** appearing on the Consent Calendar; the bills were placed on the calendar under the heading of General Orders.

No objection was made to **Sub. SB 89; SB 115, SB 148, SB 156** appearing on the Consent Calendar for the first day.

No objection was made to **SB 137** 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 137. An act concerning viatical settlements; exempting actions by the securities commissioner from the viatical settlements act of 2002; amending K.S.A. 2008 Supp. 40-5012a 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: D. Gatewood, S. Gatewood.

Present but not voting: None.

Absent or not voting: Crow, McLeland, Winn.

The bill passed.

HB 2084. An act concerning cities; relating to annexation of territory; amending K.S.A. 2008 Supp. 12-520 and repealing the existing section, 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, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, 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, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder,

Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafaneli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: Brookens, Hermanson, Kinzer, Landwehr, Loganbill, Menghini, Ward, Watkins, Yoder.

Present but not voting: None.

Absent or not voting: Crow, McLeland, Winn.

The bill passed.

HB 2343, An act concerning the licensure of professional nurses and practical nurses; amending K.S.A. 65-1115 and 65-1116 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: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Donohoe, Faber, Flaharty, Frownfelter, Fund, Furtado, Garcia, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleebe, Knox, Landwehr, Light, Loganbill, Long, Mah, Maloney, Mast, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafaneli, Talia, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Feuerborn, Finney, D. Gatewood, Kuether, Lane, Lukert, McCray-Miller, Palmer, Peterson, Tietze.

Present but not voting: None.

Absent or not voting: Crow, McLeland, Winn.

The bill passed.

SB 84, An act concerning schools; relating to personal financial literacy courses; amending K.S.A. 2008 Supp. 72-7535 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kleebe, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafaneli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Kinzer, Peck, Williams.

Present but not voting: None.

Absent or not voting: Crow, McLeland, Winn.

The bill passed, as amended.

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 50**, **SB 240** be passed.

Committee report to **SB 34** be adopted; also, on motion of Rep. Grange be amended on page 4, by striking all in line 43;

On page 5, by striking all in lines 1 through 6; and **SB 34** be passed as amended.

Committee report to **SB 161** be adopted; and the bill be passed as amended.

Committee report to **HB 2299** be adopted; also, on motion of Rep. Grange to amend, the motion did not prevail.

Also, on motion of Rep. George, **HB 2299** be amended on page 17, in line 16, by striking “and” the second time it appears; in line 18, after the semicolon by inserting “and”; after line 18, by inserting the following:

“(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;”;

Also, on motion of Rep. Kiegerl to amend **HB 2299**, the motion did not prevail; and the bill be passed as amended.

Committee report to **HB 2324** be adopted; and the bill be passed as amended.

Committee report to **HB 2032** be adopted; also, on motion of Rep. Dillmore to amend, the motion did not prevail, and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 178** be amended on page 1, in line 16, after “1.” by inserting “(a)”; by striking all in lines 20 through 24 and inserting the following:

“(b) The provisions of K.S.A. 2008 Supp. 44-1601 through 44-1612, and amendments thereto, and this section, and amendments thereto, shall be known as the Kansas amusement ride act.”;

On page 3, after line 20, by inserting the following:

“New Sec. 3. The secretary of labor shall adopt rules and regulations necessary to implement provisions of the Kansas amusement ride act, K.S.A. 2008 Supp. 44-1601 through 44-1612, and amendments thereto, and section 1, and amendments thereto. Nothing herein shall be construed to authorize the secretary of labor to adopt rules and regulations regulating amusement rides exempted from the Kansas amusement ride act. Such rules and regulations shall be adopted on or before July 1, 2010.”;

And by renumbering the sections accordingly; and the bill be passed as amended.

Committee on **Taxation** recommends **SB 97** be amended on page 1, in line 15, by striking “as a”; in line 16, by striking “retailer, farm winery, microbrewery or distributor” and inserting “in which such person is required to be licensed by the director of alcoholic beverage control”; also in line 16, by striking “retailer,”; in line 17, by striking “farm winery, microbrewery or distributor” and inserting “person”; in line 20, after “in” by inserting “such”; in line 21, by striking “as a retailer”; 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. 6018—

By Committee on Energy and Utilities

A RESOLUTION encouraging the Kansas Electric Transmission Authority to continue to participate in dockets of the State Corporation Commission concerning the transmission of electricity in Kansas.

WHEREAS, In 2005, the Kansas Electric Transmission Authority was created to ensure reliable operation of the integrated electrical transmission system, to diversify and expand the Kansas economy and to facilitate the consumption of Kansas energy through improvements in the State’s electric transmission infrastructure; and

WHEREAS, Kansas is ranked third nationally in available wind resources, and in order to fully develop the potential of the Kansas wind industry to meet the energy needs of

Kansas and the United States for energy from renewable resources, the State must have a robust transmission system to move Kansas wind energy to the market; and

WHEREAS, The State Corporation Commission has dockets 08-ITCE-936-COC and 08-PWTE-1022-COC currently under consideration which concern issues of transmission of electricity in Kansas; and

WHEREAS, It is critical to the citizens of the State of Kansas that these dockets be resolved expeditiously and resourcefully to protect and improve the transmission infrastructure in Kansas and the surrounding states; and

WHEREAS, The Kansas Electric Transmission Authority has intervened in these dockets as an interested party and recognized the need for increased transmission capacity in southwest Kansas to support the growth of wind generation capacity; Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Legislature supports the efforts of the Kansas Electric Transmission Authority in its effort to support the construction of transmission in the State to ensure reliable operation of the integrated electrical transmission system; and

Be it further resolved: That the Legislature encourages the Kansas Electric Transmission Authority to continue participation in the dockets named above and other proceedings of the State Corporation Commission and the Southwest Power Pool concerning transmission of electricity in Kansas; 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 State Corporation Commission, the Kansas Electric Transmission Authority and the Southwest Power Pool.

REPORT ON ENROLLED BILLS

HB 2147 reported correctly enrolled, properly signed and presented to the governor on March 13, 2009.

REPORT ON ENROLLED RESOLUTIONS

HR 6017 reported correctly enrolled and properly signed on March 16, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, March 17, 2009.

Journal of the House

FORTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 17, 2009, 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. Brookens, Svaty and Winn were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Curtis Cadenhead, pastor, First United Methodist Church, Augusta, and guest of Rep. Crum:

Rev. Cadenhead asked for a moment of silence to remember Rep. Brookens and his family on the death of his father.

Abba Father, Your words from Proverbs tell us "where there is no vision, the people perish; but he that keepeth the law, happy is he."

Father, now more than ever before in the history of our state and nation we need those that govern to have a vision. We are living in a perilous age facing moral, economic and ethical issues, there is a feeling of desperation that permeates our people, we are a people that need a vision, a word from You.

Your vision is one that gives those that govern the courage to speak the truth, to hear the disenfranchised, to detect the voices of those that cry out for a just society. With vision of the word of God comes risk, the risk of stepping outside the norm, the status quo, the risk of being labeled in one way or another. Yet we know that it is the risk takers that have withstood the test of time and have made an historical impact upon this nation. With vision of Your word comes wisdom, hope, new beginnings and when this vision is mandated by the leadership of this land, the people prosper. A new standard emerges and we the people catch this vision, a desire to live to a higher calling.

Father, instill in this body the ability to dream dreams to have visions, to hear that still small voice that brings validation to this governing body so that Your voice and theirs become one in the same. In these days of uncertainty may one thing become evident, it is in God we trust and when all is said and done, Great God hold us accountable for those visions and the decisions that evolve from these stately halls so that the citizenry of this wonderful state know that accountability is the cornerstone of this body.

For in Jesus' name we pray, Amen.

The Pledge of Allegiance was led by Rep. Worley, followed by the playing of "Danny Boy" on the bagpipe by former Senator Richard Gannon.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2385, An act concerning the juvenile justice authority and the Kansas department of wildlife and parks; relating to a land transfer from property in the juvenile justice authority campus to the Kansas department of wildlife and parks. By Committee on Appropriations.

HB 2386, An act concerning the department of health and environment; establishing the health and environment training fee fund health, the health and environment training fee

fund environment and the nuclear safety emergency preparedness special revenue fund; authorizing certain fees, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Corrections and Juvenile Justice: **SB 248**.

Education: **HCR 5015; SB 290**.

Energy and Utilities: **HR 6018**.

Federal and State Affairs: **SB 54**.

Financial Institutions: **SB 241**.

Insurance: **SB 260**.

Judiciary: **SB 224**.

Transportation: **HCR 5014**.

Agriculture and Natural Resources Budget: **HB 2384**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 118** from Committee on Elections and referral to Committee on Local Government.

COMMUNICATIONS FROM STATE OFFICERS

From Ward Loyd, Chair, Kansas Advisory Group on Juvenile Justice and Delinquency Prevention (KAG), Annual Report for 2008.

The complete report is 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 **HB 2158** and has appointed Senators V. Schmidt, Apple and Faust-Goudeau as conferees on the part of the Senate.

CONSENT CALENDAR

No objection was made to **Sub. SB 89; SB 115, SB 148, SB 156** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2032, An act concerning cities; relating to annexation, 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, Bowers, A. Brown, Brunk, Burgess, Carlin, Carlson, Craft, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Fund, S. Gatewood, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleebe, Knox, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Tafanelli, Talia, Trimmer, Vickrey, Wetta, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Benlon, T. Brown, Burroughs, Colloton, Crow, Crum, Dillmore, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, George, Grange, Kuether, Landwehr, Loganbill, McLeland, Menghini, Neighbor, Phelps, Rardin, Sawyer, Slattery, Spalding, Swanson, Swenson, Tietze, Ward, Watkins, Whitham, Williams.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed, as amended.

HB 2299, An act concerning sales taxation; relating to exemptions; goodwill industries and All American Beef Battalion, Inc.; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 18; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Fund, Furtado, Garcia, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Mah, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rardin, Rhoades, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Yoder.

Nays: Aurand, Benlon, Burroughs, Craft, Crow, Donohoe, Faber, Flaharty, Frownfelter, D. Gatewood, Henderson, Huntington, Lane, Lukert, Menghini, Quigley, Roth, Worley.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed, as amended.

HB 2324, An act concerning sales taxation; relating to exemptions; Kansas enterprise zone act; requirements for certain retail businesses; amending K.S.A. 2008 Supp. 74-50.115 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, Benlon, Bethell, Bowers, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed, as amended.

SB 34, An act concerning open records; relating to the exceptions to disclosure; amending K.S.A. 2008 Supp. 45-229 and repealing the existing section; also repealing K.S.A. 2008 Supp. 45-229c, 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, Benlon, Bethell, Bowers, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed, as amended.

SB 50, An act concerning insurance; pertaining to risk-based capital requirements; establishing a trend test calculation; amending K.S.A. 40-2c05 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, Benlon, Bethell, Bowers, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed.

SB 161, An act concerning recreation commissions; amending K.S.A. 2008 Supp. 12-1928 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, Benlon, Bethell, Bowers, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed, as amended.

SB 240, An act relating to mortgages; concerning the regulation thereof; amending K.S.A. 9-2201, 9-2202, 9-2207, 9-2212, 9-2216a, 9-2220, 16a-1-303, 16a-2-301, 16a-2-302, 16a-2-303, 16a-2-304, 16a-3-308, 16a-6-104, 16a-6-108, 16a-6-117, 16a-6-201 and 16a-6-203 and

K.S.A. 2008 Supp. 9-2203, 9-2205, 9-2209, 9-2211 and 9-2216 and repealing the existing sections; also repealing K.S.A. 16a-6-413, 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: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, 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, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Donohoe, Faber, Gordon, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, McLeland, O'Brien.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Powell, the House nonconcurred in Senate amendments to **HB 2121** and asked for a conference.

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

On motion of Rep. Morrison, the House nonconcurred in Senate amendments to **HB 2265** 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. D. Gatewood in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **SB 122**, **SB 123**; **HB 2325** be passed.

On motion of Rep. A. Brown to amend **SB 131**, Rep. Mah 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. A. Brown and **SB 131** be amended on page 1, after line 31, by inserting the following:

"Sec. 2. (a) As used in this section:

(1) "State board" means the state board of education.

(2) "Pupil" means a pupil who graduates from a Kansas public high school one year earlier than the usual graduation time.

(3) "Early high school graduation incentive program" or "program" means the program established by the state board pursuant to subsection (b).

(4) "Technical college" has the meaning ascribed thereto by section 1, and amendments thereto.

(5) "Community college" means a community college established pursuant to chapter 71 of the Kansas Statutes Annotated.

(b) The state board shall establish an early high school graduation incentive program. Bonuses awarded under the program shall be in the form of a scholarship in an amount not to exceed \$3,000 which may be used for fees and tuition for attendance at a technical college

or community college located within the state of Kansas. The state board may adopt rules and regulations deemed necessary to implement the program including, but not limited to:

- (1) Eligibility requirements of applicants for bonuses.
- (2) Procedures relating to the submission of applications.
- (3) The amount of a bonus awarded under the program.
- (4) The operation of the program.

(c) An applicant for a bonus shall provide to the state board, on forms supplied by the state board, information required by the state board.

(d) As a condition to awarding a bonus under the program, the state board and the applicant shall enter into an agreement which shall require the applicant to:

(1) Enroll in and successfully complete at least one semester at a technical school or a community college located in the state of Kansas; and

(2) maintain records and make reports to the state board as required by the agreement.

(e) Within the limitations of appropriations therefor, the number of scholarships awarded and the amount awarded to each applicant shall be determined by the state board. The amount awarded shall be specified in the agreement. If the applicant is not enrolled on a full-time basis, the applicant shall receive a proportionate amount of the scholarship allowed under subsection (b) based upon the number of hours enrolled in an academic period, and computed as a fraction of the total number of credit hours required for full-time enrollment.

(f) The governing body of each technical college and the board of trustees of each community college shall have the power and duty to assist in the implementation of the provisions of this section, if requested by the state board.”;

By renumbering the remaining section; and **SB 131** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2008** be adopted; also, on motion of Rep. Horst be amended, on page 2, in line 39, after “student” by inserting “or a member of the school staff”; in line 40, by striking “and specific student order” and inserting “or order written for the specific student or staff member”;

On page 3, in line 14, by striking “An epinephrine” and inserting “If a school maintains an epinephrine kit, such”; and **Sub. HB 2008** be passed as amended.

Committee report to **HB 2072** be adopted; also, on motion of Rep. Mah to amend, the motion did not prevail, and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Economic Development and Tourism** recommends **SB 120** be passed.

Committee on **Education** recommends **SB 41** be amended on page 1, by striking all in lines 14 and 15 and inserting the following:

“Section 1. K.S.A. 2008 Supp. 72-6445a is hereby amended to read as follows: 72-6445a.

(a) (1) For the purposes of the school district finance and quality performance act, state financial aid for any district formed by consolidation in accordance with the statutory provisions contained in article 87 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, shall be computed by the state board of education as follows: (A) Determine the amount of state financial aid each of the former districts which comprise the consolidated district received in the school year preceding the date the consolidation was completed; and (B) add the amounts determined under (A). The sum is the state financial aid of the consolidated district for the school year in which the consolidation is completed.

(2) The provisions of this paragraph shall apply to any consolidation of school districts which is completed before July 1, 2011. If any of the former school districts had an enrollment of less than 150 pupils on September 20th of the school year preceding the consolidation, the state financial aid of the newly consolidated district for the two school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(3) The provisions of this paragraph shall apply to any consolidation of school districts which is completed on or after July 1, 2011. If any of the former school districts had an enrollment of less than 150 pupils on September 20th of the school year preceding the consolidation, the state financial aid of the newly consolidated district for the school year

following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(4) If all of the former school districts had an enrollment of at least 150 pupils but any had less than 200 pupils on September 20th of the school year preceding the consolidation, the state financial aid of the newly consolidated district for the three school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(5) If all of the former school districts had an enrollment of 200 or more pupils on September 20th of the school year preceding the consolidation, the state financial aid of the newly consolidated district for the four school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(6) If the consolidation involved the consolidation of three or more school districts, regardless of the number of pupils enrolled in the districts, the state financial aid of the newly consolidated district for the four school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

~~(b)(1) The provisions of this subsection (b) shall apply only if a school district is disorganized in accordance with article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, and if all the territory which comprised such disorganized district is attached to a single school district.~~

(b)(1) The provisions of this subsection (b) shall apply to school districts which have been enlarged by the attachment of territory pursuant to the procedure established in article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto.

(2) For the purposes of the school district finance and quality performance act, state financial aid for any school district to which this subsection applies, shall be computed by the state board of education as follows: (A) Determine the amount of state financial aid each of the former districts which comprise the enlarged district received in the school year preceding the date the attachment was completed; and (B) add the amounts determined under (A). The sum is the state financial aid of the enlarged district for the school year in which the attachment is completed.

(3) The provisions of this paragraph shall apply to any attachment of territory which is completed before July 1, 2011. If any of the former school districts had an enrollment of less than 150 pupils on September 20th of the school year preceding the attachment, the state financial aid of the enlarged district for the two school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(4) The provisions of this paragraph shall apply to any attachment of territory which is completed on or after July 1, 2011. If any of the former school districts had an enrollment of less than 150 pupils on September 20th of the school year preceding the attachment, the state financial aid of the enlarged district for the school year following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(5) If all of the former school districts had an enrollment of at least 150 pupils but any had less than 200 pupils on September 20th of the school year preceding the attachment,

the state financial aid of the enlarged district for the three school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(6) If all of the former school districts had an enrollment of 200 or more pupils on September 20th of the school year preceding the attachment, the state financial aid of the enlarged district for the four school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(7) If three or more school districts, regardless of the number of pupils enrolled in the districts, are disorganized and attached to a single district, the state financial aid of the enlarged district for the four school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(8) *Except as specifically provided by this paragraph for the allocation of state financial aid among districts, the provisions of paragraphs (1) through (7) shall be applicable to school districts to which this paragraph applies. If a school district is disorganized in accordance with article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, and the territory of such district is attached to more than one district, the state financial aid for each school district to which any territory from the disorganized district is attached, shall be computed by the state board of education as follows: (A) Determine the amount of state financial aid received by the former district in the school year preceding the date that the disorganization and attachment was completed; (B) determine the amount of state financial aid received by the enlarged district in the school year preceding the date that the disorganization and attachment was completed; (C) determine the assessed valuation of the former district in the school year preceding the date that the disorganization and attachment was completed; (D) determine the assessed valuation of the territory attached to each enlarged district; (E) allocate the amount of the state financial aid received by the former district in the school year preceding the date that the disorganization and attachment was completed to each of the enlarged school districts in the same proportion that the assessed valuation of the territory attached to each district bears to the assessed valuation of the former school district; and (F) add the amounts determined under (E) and (B). The sum is the state financial aid of the enlarged district for the school year in which the attachment is completed.*

Sec. 2. K.S.A. 72-67,106, 72-8149, 72-8155, 72-8155a, 72-8155b and 72-8155c and K.S.A. 2008 Supp. 72-6445a 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 and 11 and inserting the following: “concerning school districts; relating to the transfer of land; relating to the consolidation of districts; amending K.S.A. 2008 Supp. 72-6445a and repealing the existing section; also repealing K.S.A. 72-67,106, 72-8149, 72-8155, 72-8155a, 72-8155b and 72-8155c.”; and the bill be passed as amended.

Committee on **Education** recommends **SB 175** 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 **Energy and Utilities** recommends **HR 6011** be amended on page 1, in line 25, by striking all after “2010”; in line 26, by striking all before the semicolon; and the resolution be adopted as amended.

Committee on **Financial Institutions** recommends **SB 139** be passed.

Committee on **Financial Institutions** recommends **SB 72** be amended on page 1, in line 32, preceding the semicolon by inserting “and such person: (i) Has completed a training program offered by the volunteer group to further its goals; (ii) serves on the board of the volunteer group; or (iii) serves as an officer of the volunteer group”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 61** be passed.

Committee on **Judiciary** recommends **SB 66** be amended on page 3, in line 31, after the period by inserting “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.”; and the bill be passed as amended.

Committee on **Taxation** recommends **SB 228** 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 concurrent resolutions were thereupon introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5016—

By Committee on Appropriations

A CONCURRENT RESOLUTION urging Kansas school districts to use carefully the federal stimulus funds received under the Federal American Recovery and Reinvestment Act of 2009 and to use other available funds to establish or to increase the balances in contingency reserve funds of districts.

WHEREAS, The Federal American Recovery and Reinvestment Act of 2009 will provide over \$1.7 billion in federal economic stimulus funds to the state of Kansas; and

WHEREAS, The funds are designed to stimulate the economy in the short term and for investment in education and other essential public services to ensure the long-term economic health of our nation; and

WHEREAS, The State of Kansas will receive over \$875 million in federal economic stimulus funds under the Federal American Recovery and Reinvestment Act of 2009 for educational purposes; and

WHEREAS, Approximately \$600 million of the federal economic stimulus funds under the Federal American Recovery and Reinvestment Act of 2009 will be expended for primary and secondary education in the state of Kansas; and

WHEREAS, The projected State General Fund receipts for the state of Kansas forecast significant shortfalls in the balances of the State General Fund, perhaps, by some projections as high as 23% in Fiscal Year 2012; and

WHEREAS, The Secretary of the United States Department of Education, Arne Duncan, has cautioned state and school district officials that federal economic stimulus funds received under the Federal American Recovery and Reinvestment Act of 2009 are provided on a one-time basis and that state and school district officials need to find the best way to stretch every dollar and not to spend such funds to finance on-going programs; and

WHEREAS, School districts should take steps to be prepared for the possibility that unless the state and national economy markedly improves, in Fiscal Year 2012 the State General Fund could face a potential shortfall of huge proportions resulting in the reduction of appropriation of state moneys for school districts: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we encourage school districts to utilize carefully one-time federal economic stimulus funds received under the Federal American Recovery and Reinvestment Act of 2009 and not to finance on-going programs with such funds; and

Be it further resolved: That we encourage the school districts to be responsible stewards of the school funds and to establish or increase the balances in contingency reserve funds of districts with other available funds in order to be prepared for the projected shortfall in state moneys in Fiscal Year 2012; and

Be it further resolved: That the Secretary of State be directed to provide an enrolled copy of this resolution to the Commissioner of Education who shall provide copies to the chairperson of the board of education of each school district and the superintendent of each school district.

HOUSE CONCURRENT RESOLUTION No. 5017—

By Committee on Taxation

A PROPOSITION to amend section 4 of the bill of rights of the constitution of the state of Kansas, relating to the right to bear arms.

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 4 of the bill of rights of the constitution of the state of Kansas is hereby amended to read as follows:

“§ 4 *Individual right to bear arms; armies.* ~~The people have the right to bear arms for their defense and security~~ *A person has the right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose;* but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.”

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 preserve constitutionally the right of a person to keep and bear arms for the defense of self, family, home and state, and for all other lawful purposes, including hunting and recreation.

“A vote for this amendment would constitutionally preserve the right of a person to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use, and for any other lawful purpose.

“A vote against this amendment would provide for no constitutional right of a person to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use, and for any other lawful purpose.”

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 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 2032, HB 2324 reported correctly engrossed March 16, 2009.

REPORT ON ENROLLED BILLS

HB 2023, HB 2045, HB 2068 reported correctly enrolled, properly signed and presented to the governor on March 16, 2009.

Also, **HB 2004, HB 2091, HB 2092, HB 2142** reported correctly enrolled, properly signed and presented to the governor on March 17, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, March 18, 2009.

Journal of the House

FORTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 18, 2009, 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. Brookens, Svaty and Winn were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Todd Carter, pastor, Westlink Christian Church, Wichita, and guest of Reps. Hermanson and Watkins:

Father in heaven, thank you so much for the place and the people of Kansas. We love this place. Father, thank you for the men and women who are serving here today. Thank you especially for my brothers Phil and Jason and their desire to serve you. God we live in such turbulent times and I pray as these leaders come together today that you would give them wisdom and discernment as they discuss the matters at hand. Father, that you would use the decisions that they make to be a blessing to every person that lives in this state, especially God, those who are least and last.

And Father I want to pray as well for all of the men and women in our armed forces, especially for the ones who are from the state of Kansas, that are working to ensure the freedom that we're enjoying right now. Keep them safe, watch over them. Thank you for their model of sacrificial service. And it's in Jesus' name that I pray. Amen.

The Pledge of Allegiance was led by Rep. Goyle.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Lukert are spread upon the journal:

I think most of you remember an education bill we discussed several weeks ago that was going to reduce funding for a number of small rural schools.

One of those that would have been directly impacted was a school in my district, B & B High School. I've asked that you recognize a group of young men from that school for a specific accomplishment. But it is only part of the reason I've asked them to be here today.

I have chosen to use this opportunity to help some of my colleagues, almost all of whom I consider to be friends, understand a little better what a small rural school is all about.

This group of young men happened to have won the 8 man division state football championship under the direction of Coach Steve Tiernan.

But, that accomplishment aside, I want to focus on a few statistics and some informal data that hopefully will create a better understanding of a rural school atmosphere.

B & B High School has 117 students in 4 grades. Of those 117 students 32 participated on the football team . . . 29 of those 32 made the A and B honor roll.

According to the latest Kansas State High School Assessments data, B & B High School ranked third out of 308 high schools.

It has been suggested that we are in some ways depriving students in a small school of a quality education and I would respectfully suggest that is not the case.

In the next few years we are going to face a lot of difficult funding decisions. Budget cuts are easier when we can do it in an impersonal way. I wanted all of my colleagues to be able to put a face on one of the small schools we're going to be making those decisions on.

Congratulations on your state championship B & B and thanks for being here today.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2387, An act concerning fire insurance premiums; relating to the emergency medical services board operating fund and the fire service training program fund; amending K.S.A. 2008 Supp. 75-1514 and repealing the existing section, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2385**.

Appropriations: **HCR 5016**.

Federal and State Affairs: **HCR 5017**.

Agriculture and Natural Resources Budget: **HB 2386**.

MESSAGE FROM THE GOVERNOR

March 6, 2009

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

Enclosed herewith is Executive Directive No. 09-396 for your information.

EXECUTIVE DIRECTIVE No. 09-396
Authorizing Expenditure of Federal Funds

KATHLEEN SEBELIUS
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 concurs in House amendments to **H. Sub. for SB 238**, and requests return of the bill.

The Senate nonconcurrs in House amendments to **SB 84**, requests a conference 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 **SB 84**.

Speaker O'Neal thereupon appointed Reps. Aurand, Horst and Winn as conferees on the part of the House.

CONSENT CALENDAR

Objection was made to **Sub. SB 89** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 175** appearing on the Consent Calendar for the first day.

No objection was made to **SB 115**, **SB 148**, **SB 156** 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 115, An act relating to fire departments; concerning certain powers; amending K.S.A. 31-145 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, Benlon, Bethell, Bowers, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed.

SB 148. An act concerning missing elderly persons; establishing the Kansas silver alert plan, 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, Benlon, Bethell, Bowers, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed.

SB 156. An act concerning corporations; relating to close corporations; amending K.S.A. 17-7207 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, Benlon, Bethell, Bowers, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed.

Sub. HB 2008, An act concerning epinephrine; relating to the administration thereof; authorizing the maintenance of epinephrine kits; amending K.S.A. 2008 Supp. 65-2872 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, Benlon, Bethell, Bowers, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The substitute bill passed, as amended.

HB 2072, An act concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; disability benefits; amending K.S.A. 2008 Supp. 74-4960a and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, KleeB, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, B. Wolf, K. Wolf, Worley.

Nays: Huebert, Landwehr, McLeland, Pottorff, Watkins, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed, as amended.

HB 2325, An act concerning sales taxation; relating to countywide retailers sales tax; rate limitations; amending K.S.A. 2008 Supp. 12-189 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: Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, 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, Her-

manson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Faber.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed.

SB 122. An act relating to motor vehicles; concerning rebuilt salvage vehicles; amending K.S.A. 79-5104 and K.S.A. 2008 Supp. 8-135 and repealing the existing sections, 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, Benlon, Bethell, Bowers, 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, Huntington, Jack, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Donohoe, Kelley, Landwehr.

Present but not voting: Otto.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I vote present on **SB 122** because I drive a rebuilt vehicle. Wonderful rebuilt vehicles can be purchased at Beyer Motor Company in Gridley, Kansas.—BILL OTTO

SB 123. An act relating to antique vehicles; concerning certain license plates; amending K.S.A. 2008 Supp. 8-172 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, Benlon, Bethell, Bowers, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.
The bill passed.

SB 131. An act concerning technical colleges; relating to the powers and duties of the governing bodies thereof, 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, Benlon, Bethell, Bowers, A. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, DeGraaf, Donohoe, Faber, Finney, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Haylett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleebl, Knox, Landwehr, Light, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: T. Brown, Burroughs, Davis, Dillmore, Feuerborn, Flaharty, Frownfelter, Henderson, Henry, Kuether, Lane, Loganbill, Ward.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Huntington, the House concurred in Senate amendments to **HB 2197**, An act concerning state educational institutions; relating to the admission of students thereto; amending K.S.A. 76-717 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, Ballard, Benlon, Bethell, Bowers, 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, Haylett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleebl, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Watkins in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **SB 19** be passed over and retain a place on the calendar.

Committee report to **SB 132** be adopted; and the bill be passed as amended.

Committee report to **SB 11** be adopted; and the bill be passed as amended.

Committee report to **SB 70** be adopted; and the bill be passed as amended.

Committee report to **SB 80** be adopted; also, on motion of Rep. Mast be amended on page 2, after line 5, by inserting the following:

“Sec. 2. From and after July 1, 2009, K.S.A. 66-104e is hereby amended to read as follows: 66-104e. (a) Any city by ordinance may relinquish to the state corporation commission the city’s power and authority under K.S.A. 66-104, and amendments thereto, to control and regulate any privately owned and operated *natural gas or water public utility utilities* situated and operated wholly or principally within the city or principally operated for the benefit of the city or its people. Subsequently the city by ordinance may reassert the city’s power and authority under K.S.A. 66-104, and amendments thereto, to control and regulate such utility.

(b) Within five business days after adoption of any ordinance described in subsection (a):

(1) The city clerk shall forward a certified copy of the ordinance to the state corporation commission; and

(2) if the ordinance relinquishes jurisdiction of a privately owned and operated *natural gas or water public utility*, such utility shall file with the commission an application for a certificate of convenience and necessity.

(c) Upon receipt of an ordinance relinquishing jurisdiction of a *natural gas or water public utility* pursuant to this section, the commission shall assume jurisdiction and control of the privately owned and operated *natural gas or water public utility* as provided by law for other *natural gas or water public utilities* under the jurisdiction of the commission. The commission shall maintain such jurisdiction and control until the city subsequently adopts and files with the commission an ordinance reasserting the city’s power and authority pursuant to K.S.A. 66-104, and amendments thereto.

(d) A city shall not adopt any ordinance described in subsection (a) more often than once every two years.”;

Also on page 2, after line 6, by inserting the following:

Sec. 4. On July 1, 2009, K.S.A. 66-104e is hereby repealed.”;

And by renumbering the sections accordingly;

In the title, in line 12, after the semicolon where it appears the second time, by inserting “relating to cities’ power to relinquish authority to regulate natural gas and water utilities to the state corporation commission;”; in line 13, after “15-809” by inserting “and 66-104e”; also in line 13, by striking “section” and inserting “sections”; and **SB 80** be passed as amended.

Committee report to **SB 171** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 145** be adopted; and the substitute bill be passed.

Committee report to **SB 64** be adopted; also, on motion of Rep. D. Gatewood be amended on page 3, in line 41 by striking “and place of use”; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Aging and Long Term Care** recommends **HB 2310, HB 2366** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Aging and Long Term Care** recommends **HB 2323** be amended on page 2, in line 20, after the period by inserting “The provisions of subsection (a)(2)(C) shall not apply to any person who is employed by an adult care home on the effective date of this act and while continuously employed by the same adult care home.”;

On page 5, by striking all in lines 5 through 7;

And by relettering the remaining subsections accordingly;

On page 6, in line 16, after the period by inserting “The provisions of subsection (a)(2)(C) shall not apply to any person who is employed by a home health agency on the effective date of this act and while continuously employed by the same home health agency.”;

On page 9, by striking all in lines 25 through 27;

And by relettering the remaining subsections accordingly;

On page 1, in the title, in line 9, by striking “adult care homes and home health agencies” and inserting “providers of care services; relating to employment of persons by such providers”; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **HB 2272**, **HB 2283**, **SB 203** be passed.

Committee on **Agriculture and Natural Resources** recommends **SB 183** 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 **Appropriations** recommends **SB 30** be amended on page 2, in line 39, by striking “or resigning”; in line 40, preceding “who” by inserting “or a state law enforcement officer”; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HR 6018** be adopted.

Committee on **Judiciary** recommends **SB 8** be passed.

Committee on **Judiciary** recommends **SB 44** be amended on page 3, in line 13, after the period by inserting “An innocent mistake shall be a defense to an action under this act.”; in line 14, by striking “made”; in line 15, by striking all before the period and inserting “related to state taxation law made pursuant to chapter 79 of the Kansas Statutes Annotated, and amendments thereto”; in line 32, by striking “committed” and inserting “discovered or reasonably should have been discovered”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 45** be amended on page 1, in line 35, after “principal” where it appears the second time, by inserting “expressed in the presence of a notary public”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 87** be amended on page 7, in line 25, after the comma by inserting “abuse.”;

On page 10, in line 9, after the period by inserting “The burden of proof provided in this subsection shall not apply to standard of care cases conducted by the board of healing arts.”; in line 24, by striking “The” and inserting “For all agencies, except for the state court of tax appeals, the”;

On page 16, in line 6, after “witnesses” by inserting “and to determine the credibility of witnesses”;

On page 19, in line 14, after the stricken material by inserting “and”; in line 17, by striking “; and”; by striking all in lines 18 through 28; in line 29, by striking all before the period; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 60** be amended on page 4, in line 31, preceding “pursuant” by inserting “in Labette county”; and the bill be passed as amended.

CHANGE OF REFERENCE

Speaker O’Neal announced the withdrawal of **SB 254** from Committee on Local Government and referral to Committee on Agriculture and Natural Resources.

REPORT ON ENGROSSED BILLS

Sub. HB 2008; **HB 2072** reported correctly engrossed March 17, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, March 19, 2009.

Journal of the House

FORTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 19, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Siegfried in the chair. The roll was called with 120 members present. Reps. Aurand, Benlon, Brookens, Svaty and Winn were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Michael Keith Stubbs, pastor, Victory Fellowship, Emporia, and guest of Rep. Mast:

Our Heavenly Father,

We come to you in prayer this morning for wisdom, knowledge and understanding. You are a wise Counselor who assures us in the book of James that you will never ignore a man or woman who comes to you to seek wisdom. The Bible further assures us you have wisdom for all applications of life and leadership. Most, as leaders, desire to make decisions that are recognized as wise and prudent. The old saying is true, "Truth crushed to the ground will always rise again." Help us be on the right side of it when it rises. I pray today that each person in this room would not forget to trust you as our wise Counselor, to remember he or she can approach you even in the quietness of his or her mind and ask for advice and counsel as from a life coach or friend. Let us make decisions as leaders that leave no room for regret later, don't come back to haunt us, and assure we are recognized as people of integrity. The Old Testament records King Asa never managed to complete everything you told him to do, yet it says all he did, he did with his whole heart. Let each person here be wholehearted and known as a person who produced the best the human heart is capable of by the grace of God. In the name of Jesus I pray, Amen.

The Pledge of Allegiance was led by Rep. Goico.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2388, An act concerning the county business restoration assistance program; amending K.S.A. 2008 Supp. 75-3713e and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Transportation and Public Safety Budget: **HB 2387**.

CHANGE OF REFERENCE

Speaker pro tem Siegfried announced the withdrawal of **HB 2105** from Committee on Education Budget and rereferral to Committee on Appropriations.

Also, the withdrawal of **HB 2239**, **HB 2280** from Committee on Education Budget and referral to Committee on Appropriations.

Also, the withdrawal of **HR 6015** from Committee on Federal and State Affairs and referral to Committee on Agriculture and Natural Resources.

Also, the withdrawal of **SB 69**, **SB 215** from Committee on Judiciary and referral to Committee on Agriculture and Natural Resources.

MESSAGES FROM THE GOVERNOR

HB 2147 approved on March 18, 2009.

MESSAGES FROM THE SENATE

Announcing passage of **Sub. SB 214**; **SB 218**, **SB 300**.

Announcing adoption of **SCR 1610**.

Announcing passage of **HB 2054**.

Announcing passage of **HB 2052**, as amended; **HB 2098**, as amended; **HB 2171**, as amended; **HB 2185**, as amended; **HB 2233**, as amended.

Also, the Senate accedes to the request of the House for a conference on **HB 2121** 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 **HB 2265** and has appointed Senators McGinn, Vratil and Hensley 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:

Sub. SB 214; **SB 218**, **SB 300**; **SCR 1610**.

CONSENT CALENDAR

No objection was made to **HB 2310**, **HB 2366**; **SB 183** appearing on the Consent Calendar for the first day.

No objection was made to **SB 175** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 11, An act concerning postsecondary institutions; relating to community colleges and the powers and duties thereof; amending K.S.A. 2008 Supp. 71-201 and repealing the existing section, 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, Bethell, Bowers, 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, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, S. Gatewood, Kinzer, Landwehr, McLeland.

Present but not voting: None.

Absent or not voting: Aurand, Benlon, Brookens, Svaty, Winn.

The bill passed, as amended.

SB 64, An act concerning the Kansas water appropriation act; amending K.S.A. 82a-705, 82a-707 and 82a-709 and K.S.A. 2008 Supp. 82a-701 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 20; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Donohoe, Faber, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, George, Goico, Gordon, Goyle, Grange, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Peterson, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Carlin, Crow, Dillmore, Feuerborn, D. Gatewood, S. Gatewood, Grant, Hawk, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, Menghini, Neighbor, Olson, Phelps, Rardin.

Present but not voting: None.

Absent or not voting: Aurand, Benlon, Brookens, Svaty, Winn.

The bill passed, as amended.

SB 70, An act concerning trusts; relating to the uniform principal and income act, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Bethell, Bowers, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Kuether.

Present but not voting: None.

Absent or not voting: Aurand, Benlon, Brookens, Svaty, Winn.

The bill passed, as amended.

SB 80, An act concerning cities; dealing with certain elections; relating to cities' power to relinquish authority to regulate natural gas and water utilities to the state corporation commission; amending K.S.A. 15-809 and 66-104e and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 38; Present but not voting: 0; Absent or not voting: 5.

Yeas: Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Finney, Fund, Furtado, S. Gatewood, George, Goico, Gordon, Grange, Hawk, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Talia, Vickrey, Watkins, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Flaharty, Frownfelter, Garcia, D. Gatewood, Goyle, Grant, Henderson, Henry, Kuether, Lane, Loganbill,

Long, Lukert, Mah, Menghini, Navinsky, Neighbor, Olson, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Slattery, Swenson, Tietze, Trimmer, Ward, Wetta.

Present but not voting: None.

Absent or not voting: Aurand, Benlon, Brookens, Svaty, Winn.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **SB 80**. There is much more to this bill with the amendment. In committee we decided the local gas company issue needed more time to be resolved.—
VINCENT L. WETTA

SB 132. An act enacting the business entity transactions act; amending K.S.A. 17-7675, 17-7681, 56a-401, 56a-502, 56a-905, 56a-906, 56a-907 and 56a-908 and repealing the existing sections; also repealing K.S.A. 17-7684, 17-7685, 17-7701, 17-7702, 17-7703, 17-7704, 17-7705, 17-7706, 17-7707, 17-7708, 17-7709, 56a-901, 56a-902, 56a-903 and 56a-904, 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, Bethell, Bowers, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Benlon, Brookens, Svaty, Winn.

The bill passed, as amended.

H. Sub. for SB 145. An act regulating traffic; concerning cotton modules; amending K.S.A. 2008 Supp. 8-1916 and repealing the existing section, 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, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Myers, Navinsky, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Dillmore, Donohoe, Landwehr, Moxley, O'Brien, Ward.

Present but not voting: None.

Absent or not voting: Aurand, Benlon, Brookens, Svaty, Winn.

The substitute bill passed.

SB 171. An act concerning Sherman county; pertaining to the election of county commissioners; amending K.S.A. 19-201, 19-202, 19-203, 19-204 and 19-204a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 76; Nays 44; Present but not voting: 0; Absent or not voting: 5.

Yeas: Bethell, Bowers, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Fund, George, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschman, King, Kinzer, Kleeb, Knox, Landwehr, Light, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Tafanelli, Talia, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Huntington, Kiegerl, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Navinsky, Neighbor, Palmer, Peterson, Phelps, Rardin, Ruiz, Sawyer, Slattery, Swanson, Swenson, Tietze, Trimmer, Ward.

Present but not voting: None.

Absent or not voting: Aurand, Benlon, Brookens, Svaty, Winn.

The bill passed, as amended.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Vickrey in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Vickrey, Committee of the Whole report, as follows, was adopted: Recommended that **SB 38**, **SB 16** be passed.

Committee report to **SB 85** be adopted; and the bill be passed as amended.

Committee report to **HB 2295** be adopted; and the bill be passed as amended.

Committee report to **SB 19** be adopted; also, on motion of Rep. Schwab to amend, Rep. Loganbill requested a ruling on the amendment being germane to the bill. Rep. Schwab subsequently withdrew his amendment; and **SB 19** be passed as amended.

Committee report to **SB 97** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2369** be amended on page 1, in line 34, by striking "\$188,160" and inserting "\$185,488"; in line 39, by striking "\$94,080" and inserting "92,830";

On page 2, in line 4, by striking "\$2,822,400" and inserting "\$2,784,900"; in line 6, by striking "\$39,030,000" and inserting "\$28,615,000"; in line 35, by striking "\$24,050,000" and inserting "\$13,635,000";

On page 8, by striking all in lines 30 through 43;

On page 9, by striking all in line 1;

And by renumbering sections accordingly;

Also on page 9, by striking all in line 6; in line 7, by striking "Provided, That any" and inserting "Any";

On page 11, following line 14, by inserting the following material to read as follows:

"Soccer facility fund No limit
Wind power generation facility fund..... No limit";

On page 12, following line 26, by inserting the following material to read as follows:

"Sheep and goat facility fund..... No limit";

On page 32, following line 40, by inserting the following material to read as follows:

"(d) On the effective date of this act, notwithstanding the provisions of chapter 167 or 201 of the 2007 Session Laws of Kansas, chapter 131, 156, 159, 160, 164, 172 or 184 of the 2008 Session Laws of Kansas, 2009 House Substitute for Substitute for Senate Bill No. 23, or this or any other appropriation act or any other act of the 2009 regular session or any other statute and notwithstanding the provisions of state finance council resolution no. 07-572, the approval of the state finance council for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto,

for capital improvement projects to expand prison capacity, as set forth in state finance council resolution no. 07-572 pursuant to subsection (d) of section 185 of chapter 167 of the 2007 Session Laws of Kansas, and the authority of the Kansas development finance authority to issue any bonds on or after the effective date of this act to finance the cost of such capital improvement projects to expand prison capacity pursuant to such approval, are hereby modified as follows: (A) The limitation on the aggregate amount of revenue bonds authorized to be issued for capital improvement projects to expand prison capacity pursuant to subsection (d) of section 11 of chapter 184 of the 2008 Session Laws of Kansas is hereby decreased from \$19,525,000 to \$1,700,000 and (B) no moneys appropriated for the department of corrections or any correctional institution by chapter 131 or 184 of the 2008 Session Laws of Kansas, 2009 House Substitute for Substitute for Senate Bill No. 23, or this or any other appropriation act or any other act of the 2009 regular session for the fiscal years ending June 30, 2009, or June 30, 2010, shall be expended to authorize or enter into any contract or other agreement to initiate, implement or administer any actual construction work for any such capital improvement project to expand prison capacity prior to July 1, 2010, or to authorize any expenditure of any bond proceeds for any actual construction work for any such capital improvement project to expand prison capacity prior to July 1, 2010, or to authorize, request or otherwise provide for the issuance of any revenue bonds to finance any actual construction work for any such capital improvement project to expand prison capacity to commence, prior to July 1, 2010: *Provided*, That no bonds shall be issued by the Kansas development finance authority to finance any actual construction work for any such capital improvement project to expand prison capacity prior to July 1, 2010, and no money received as proceeds for any such revenue bonds for any actual construction work for any such capital improvement project to expand prison capacity shall be expended prior to July 1, 2010.”;

On page 33, following line 35, by inserting the following material to read as follows:

“(b) On July 1, 2009, of the unencumbered balance in the land acquisition account of the state general fund in excess of \$100 as of June 30, 2009, the amount of \$57,717 is hereby reappropriated to the operating expenditures account of the attorney general — Kansas bureau of investigation for fiscal year 2010: *Provided*, That, if the unencumbered balance in the land acquisition account of the state general fund in excess of \$100 as of June 30, 2009, is less than \$57, 717, then any unencumbered balance in the land acquisition account of the state general fund in excess of \$100 as of June 30, 2009, is hereby reappropriated to the operating expenditures account of the attorney general — Kansas bureau of investigation for fiscal year 2010.”;

On page 35, in line 5, by striking “\$464,829” and inserting “\$462,279”; in line 29, by striking “\$492,872” and inserting “\$474,122”;

On page 36, in line 5, by striking “\$1,617,470” and inserting “\$2,617,470”; and the bill be passed as amended.

Committee on **Appropriations** recommends **HB 2373** be amended on page 1, in line 43, by striking “\$21,854” and inserting “\$21,207”;

On page 2, by striking all in lines 1 through 14; in line 23, by striking “\$304,992” and inserting “\$322,832”; in line 27, by striking “\$326,861” and inserting “\$322,832”;

On page 3, by striking all in lines 33 through 43;

On page 4, by striking all in lines 1 through 3; in line 12, by striking “\$8,065,558” and inserting “\$8,495,544”; in line 19, by striking “\$8,632,686” and inserting “\$8,671,721”;

On page 5, by striking all in lines 10 through 23; in line 32, by striking “\$137,655” and inserting “\$141,070”; in line 33, by striking “\$144,251” and inserting “\$141,070”; by striking all in lines 34 through 43;

On page 6, by striking all in lines 1 through 4; in line 13, by striking “\$581,336” and inserting “\$595,421”; in line 21, by striking “\$624,847” and inserting “\$595,421”; by striking all in lines 29 through 43;

On page 7, in line 9, by striking “\$3,755,815” and inserting “\$3,836,348”; in line 16, by striking “\$3,941,681” and inserting “\$3,836,348”; by striking all in lines 23 through 36;

On page 8, in line 2, by striking “\$755,501” and inserting “\$772,817”; in line 5, by striking “\$790,229” and inserting “\$772,817”; by striking all in lines 8 through 21; in line 30, by

striking "\$876,497" and inserting "\$932,476"; in line 33, by striking "\$949,371" and inserting "\$932,476"; by striking all in lines 36 through 43;

On page 9, by striking all in lines 1 through 6; in line 15, by striking "\$361,976" and inserting "\$366,774"; in line 18, by striking "\$382,560" and inserting "\$366,774"; by striking all in lines 21 through 34; in line 43, by striking "\$265,102" and inserting "\$270,657";

On page 10, in line 1, by striking "\$287,975" and inserting "\$270,657"; by striking all in lines 2 through 15; in line 25, by striking "\$29,922" and inserting "\$29,293"; in line 26, by striking "\$31,297" and inserting "\$29,293"; by striking all in lines 27 through 42;

On page 11, in line 9, by striking "\$1,767,760" and inserting "\$1,874,499"; in line 13, by striking "\$1,817,328" and inserting "\$1,874,499"; by striking all in lines 26 through 39;

On page 12, in line 5, by striking "\$138,149" and inserting "\$152,768"; by striking all in lines 11 through 24; in line 33, by striking "\$734,616" and inserting "\$766,076"; in line 37, by striking "\$786,435" and inserting "\$766,076";

On page 13, by striking all in lines 1 through 14; in line 23, by striking "\$309,299" and inserting "\$313,212"; in line 26, by striking "\$341,118" and inserting "\$313,212"; by striking all in lines 32 through 43;

On page 14, by striking all in lines 1 and 2; in line 11, by striking "\$1,090,343" and inserting "\$1,206,413"; in line 14, by striking "\$1,167,217" and inserting "\$1,206,413"; by striking all in lines 35 through 43;

On page 15, by striking all in lines 1 through 5 and by inserting the following material to read as follows:

"(b) On July 1, 2009, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 58-3066, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$200,000 from the real estate recovery revolving fund to the real estate fee fund of the Kansas real estate commission for the purpose of converting the licensing system software: *Provided, however,* That, if the expense of converting the licensing system software is less than \$200,000, then the Kansas real estate commission shall certify to the director of accounts and reports the amount equal to the difference between \$200,000 and the expense of converting the licensing system software and, at the same time that such certification is transmitted to the director of accounts and reports, the Kansas real estate commission 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 such certification, the director of accounts and reports shall transfer the amount certified from the real estate fee fund to the real estate recovery revolving fund."

Also on page 15, in line 14, by striking "\$2,699,518" and inserting "\$2,820,232"; in line 24, by striking "\$2,874,844" and inserting "\$2,818,984";

On page 16, in line 9, by striking "\$576,291" and inserting "\$583,468"; in line 13, by striking "\$619,188" and inserting "\$583,468"; by striking all in lines 42 and 43;

On page 17, by striking all in lines 1 through 12; in line 21, by striking "\$261,162" and inserting "\$283,863"; in line 22, by striking "\$282,293" and inserting "\$283,863"; by striking all in lines 23 through 36; in line 42, by striking "\$478,031" and inserting "\$472,393";

On page 18, in line 3, by striking "\$520,214" and inserting "\$472,393"; in line 13, by striking "\$181,582" and inserting "\$200,797"; by striking all in lines 15 through 29;

On page 21, following line 3, by inserting the following material to read as follows:

"Sec. 24. *Kansas savings incentive program.* (a) In addition to other expenditures authorized by law, expenditures may be made for fiscal year 2010 or fiscal year 2011, as the case may be, from any account of the state general fund reappropriated by this act for such fiscal year for any state agency named in section 23 of this act for the following purposes: (1) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2008 Supp. 75-37,105, and amendments thereto, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for such fiscal year submitted by the state agency pursuant to K.S.A. 75-3717, and amendments thereto, and (3) professional development training including official hospitality: *Provided,* That the total of all such expenditures from such account of the state general fund for such fiscal year shall not exceed the amount equal to 50% of the amount of the unencumbered balance as of the June 30 immediately preceding such fiscal year, in such account of the state general fund that is reappropriated for such fiscal year and that is in excess of the

amount authorized to be expended for such fiscal year from such reappropriated balance, as determined by the director of accounts and reports: *Provided further*, That the total cost of all such non-monetary awards to any individual employee during such fiscal year that is paid under this subsection plus any amount paid for such awards under subsection (b) shall not exceed \$3,500: *And provided further*, That the provisions of this subsection shall apply only to that portion of any such account from which expenditures may be made for state operations: *And provided further*, That all such expenditures from the reappropriated balance in any such account for such fiscal year shall be in addition to any expenditure limitation imposed on expenditures from the reappropriated balance in any such account for such fiscal year.

(b) In addition to other expenditures authorized by law, expenditures may be made for fiscal year 2010 or fiscal year 2011, as the case may be, from any special revenue fund appropriated by this act for such fiscal year for a state agency named in section 23 of this act for the following purposes: (1) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2008 Supp. 75-37,105, and amendments thereto, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for such fiscal year submitted by the state agency pursuant to K.S.A. 75-3717, and amendments thereto, and (3) professional development training including official hospitality: *Provided*, That all such expenditures from such fund for such fiscal year shall be in addition to any expenditure limitation imposed on such fund or any account thereof for such fiscal year: *Provided, however*, That the total amount of such expenditures from such fund for such fiscal year shall not exceed the amount equal to 50% of the unexpended portion of the amount authorized to be expended from such fund for the fiscal year preceding such fiscal year for state operations, as determined by the director of accounts and reports, or, in the case of no limit appropriations, as determined by the director of the budget: *Provided further*, That the 50% limitation shall not apply to purchase or other acquisition of technology equipment which was included in the budget estimates for such fiscal year submitted by the state agency pursuant to K.S.A. 75-3717, and amendments thereto: *And provided further*, That the total cost of all such non-monetary awards to any individual employee during such fiscal year that is paid under this subsection plus any amount paid for such awards under subsection (a) shall not exceed \$3,500: *And provided further*, That the provisions of this subsection shall apply only to: (1) That portion of the moneys in each account of a special revenue fund from which portion expenditures may be made for state operations, and (2) that portion of the moneys in a special revenue fund, that does not have any such accounts specified in this or other appropriation act, from which portion expenditures may be made for state operations.

(c) (1) Any unencumbered balance in excess of \$100 as of June 30, 2009, in any account of the state general fund of any state agency named in section 23 of this act, which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2009 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 2010, and any unencumbered balance in excess of \$100 as of June 30, 2010, in any account of the state general fund of any state agency named in section 23 of this act, which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2009 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 2011, and may be expended for the purposes authorized in subsection (a).

(2) Any unencumbered balance in excess of \$100 as of June 30, 2009, in any Kansas savings incentive account or KSIP account of any special revenue fund of any state agency named in section 23 of this act, which was appropriated by section 89 of chapter 167 of the 2007 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2009 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2010, and any unencumbered balance in excess of \$100 as of June 30, 2010, in any such account of any such special revenue fund is hereby appropriated for the fiscal year ending June 30, 2011, and may be expended for fiscal year 2010 or fiscal year 2011, as the case may be, for the purposes authorized in subsection (a). All expenditures from any such account of any such special revenue fund shall be in addition to any expenditure limitation imposed on such special revenue fund for such fiscal year.

(d) No salary bonus payment paid pursuant to this section during fiscal year 2010 or fiscal year 2011 shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be in addition to the regular earnings which that employee may be entitled to or for which the employee may become eligible.”;

Also on page 21, in line 8, by striking “\$615,817” and inserting “\$610,895”; in line 12, by striking “\$3,647,407” and inserting “\$3,643,401”; in line 16, by striking “\$3,350,314” and inserting “\$3,324,250”; in line 30, by striking “\$18,045,348” and inserting “\$17,737,891”;

On page 24, in line 17, by striking “\$2,741,385” and inserting “\$2,727,487”; in line 42, by striking “\$2,415,536” and inserting “\$2,426,067”;

On page 25, in line 5, by striking “\$4,253,230” and inserting “\$4,227,715”; in line 12, by striking “\$999,957” and inserting “\$986,800”;

On page 27, in line 9, by striking “\$173,210” and inserting “\$169,440”;

On page 28, in line 5, by striking “\$4,491,016” and inserting “\$4,521,955”; in line 10, by striking “\$41,257” and inserting “\$40,741”; in line 14, by striking “\$325,000” and inserting “\$320,937”; in line 18, by striking “\$98,190” and inserting “\$96,732”;

On page 31, by striking all in lines 19 through 43;

On page 32, by striking all in lines 1 through 17;

On page 36, by striking all in lines 13 through 43;

On page 37, by striking all in lines 1 through 40;

On page 41, in line 14, by striking “\$497,961” and inserting “\$25,073”; in line 40, by striking “\$1,373,854” and inserting “\$1,658,928”; in line 42, preceding the period by inserting “: *Provided further*, That \$251,834 shall be expended from this account for technology improvements and professional development before June 30, 2010”;

On page 43, in line 15, by striking “\$10,877,935” and inserting “\$11,020,352”; in line 30, by striking “\$9,265,000” and inserting “\$9,148,750”; in line 36, by striking “\$1,757,549” and inserting “\$1,763,666”; in line 42, by striking “\$288,584” and inserting “\$283,628”;

On page 44, in line 35, by striking “\$109,989,504” and inserting “\$111,130,588”;

On page 47, in line 4, after “for” by inserting “the interest portion only of”; in line 11, by striking “\$8,884,044” and inserting “\$9,037,114”; in line 19, by striking “\$85,786” and inserting “\$88,047”; in line 36, by striking “\$1,639,149” and inserting “\$1,658,091”;

On page 50, in line 22, by striking “\$15,930,934” and inserting “\$16,290,795”;

On page 51, by striking all in lines 22 through 43;

On page 52, by striking all in lines 1 through 21; preceding line 22, by inserting the following material to read as follows:

“(g) (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 2010 for the state corporation commission as authorized by this or other appropriation act of the 2009 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 2010 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 2010 shall not exceed \$98,413.

(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 2011 for the state corporation commission as authorized by this or other appropriation act of the 2009 regular session of the legislature or by any 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, if the total expenditures for such purpose authorized by the expenditure limitation prescribed by this subsection (h) for fiscal year 2010 are not expended or encumbered for fiscal year 2010, then the amount equal to the amount of such unexpended or encumbered expenditure authority for fiscal year 2010 remaining may be expended by the state corporation com-

mission from the public service regulation fund for fiscal year 2011 for expenses incurred by the Kansas electric transmission authority and any such expenditures for fiscal year 2011 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 2011.”;

Also on page 52, in line 29, by striking “\$765,919” and inserting “\$814,127”; by striking all in lines 30 through 37;

On page 53, by striking all in lines 5 through 17; preceding line 18, by inserting material to read as follows:

“(c) During the fiscal year ending June 30, 2011, 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 2011 for the citizens’ utility ratepayer board as authorized by this or other appropriation act of the 2009 regular session of the legislature or by any appropriation act of the 2010 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 2010, then the amount equal to the amount of such expenditure authority for fiscal year 2010 remaining may be expended from the utility regulatory fee fund for fiscal year 2011 pursuant to contracts for professional services and any such expenditure for fiscal year 2011 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2011.”;

Also on page 53, in line 22, by striking “\$1,073,524” and inserting “\$1,088,339”; in line 31, by striking “\$956,242” and inserting “\$944,067”; in line 35, by striking “\$2,525,427” and inserting “\$2,491,872”; in line 41, by striking “\$2,002,595” and inserting “\$2,028,728”;

On page 54, in line 2, by striking “\$530,589” and inserting “\$539,099”; in line 6, by striking “\$1,433,706” and inserting “\$1,445,089”; in line 15, by striking “\$63,975” and inserting “\$63,125”; in line 19, by striking “\$2,008,966” and inserting “\$2,042,989”; in line 23, by striking “\$2,113,379” and inserting “\$2,129,390”; in line 38, by striking “\$25,731,305” and inserting “\$36,146,305”; in line 40, by striking “\$185,244” and inserting “\$179,201”;

On page 55, in line 2, by striking “\$284,520” and inserting “\$292,881”;

On page 70, in line 17, by striking “\$1,586,859” and inserting “\$1,604,271”; in line 27, by striking “\$545,043” and inserting “\$546,101”;

On page 71, in line 5, by striking “\$19,473,899” and inserting “\$19,771,774”; in line 16, by striking “\$44,979,455” and inserting “\$45,964,242”;

On page 81, in line 2, before “credited” by inserting “, other than moneys, received for privilege fees, that are”; in line 5, after “That” by inserting “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”;

On page 84, in line 11, by striking “\$323,779” and inserting “\$324,008”; in line 15, by striking “\$2,056,395” and inserting “\$2,062,499”; in line 19, by striking “\$4,234” and inserting “\$4,364”; in line 20, by striking “\$229,127” and inserting “\$234,650”; by striking all in line 22; in line 23, by striking “\$15,408,558” and inserting “\$13,721,803”;

On page 87, by striking all in line 26;

On page 88, following line 31, by inserting the following material to read as follows:
“Sec. 49.

KANSAS, INC.

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2010, the following:

Operations (including official hospitality).....	\$374,824
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(b) 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:

Kansas, Inc., private operations fund	No limit
Conversion of materials and equipment fund	No limit

Sec. 50.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2010, the following:

Operations, assistance and grants (including official hospitality) \$10,494,718
Provided, That any unencumbered balance in the operations, assistance and grants (including official hospitality) account as of June 30, 2009, is hereby reappropriated for fiscal year 2010: *Provided further*, That expenditures from the operations, assistance and grants (including official hospitality) account for the fiscal year 2010 for salary and wages shall not exceed \$1,376,416.

(b) 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:

MAMTC federal fund No limit
KTEC special revenue fund No limit

(c) No moneys appropriated for the fiscal year ending June 30, 2010, by this or other appropriation act of the 2009 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. 07-25, which was filed with the secretary of state and was effective on June 17, 2007.

(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 2010 for the Kansas technology enterprise corporation as authorized by this or other appropriation act of the 2009 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 2010, 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 2010, that are equivalent to the provisions of the governor's executive order no. 07-25, or a succeeding executive order of the governor for fiscal year 2010, 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 2010.;

On page 89, in line 10, by striking "\$544,385" and inserting "\$549,065"; in line 25, by striking "\$13,163,857" and inserting "\$13,435,128"; in line 39, by striking "\$345,706" and inserting "\$355,169";

On page 91, in line 15, by striking "\$1,123,908" and inserting "\$1,144,928"; in line 19, by striking "\$529,418" and inserting "\$541,729"; in line 25, by striking "\$2,720,422" and inserting "\$2,703,628"; in line 29, by striking "\$3,131,119" and inserting "\$3,217,601"; in line 34, by striking "\$436,096" and inserting "\$435,056"; in line 38, by striking "\$491,774" and inserting "\$497,807"; in line 42, by striking "\$523,635" and inserting "\$516,418";

On page 92, in line 16, by striking "\$2,202,053" and inserting "\$2,262,066"; in line 20, by striking "\$3,263,395" and inserting "\$3,359,588"; in line 31, by striking "\$2,980,996" and inserting "\$3,077,188"; in line 32, by striking "\$3,397,689" and inserting "\$3,530,819"; in line 33, by striking "\$246,508" and inserting "\$250,259"; in line 40, by striking "\$3,740,044" and inserting "\$3,766,857";

On page 93, in line 3, by striking "\$4,320,184" and inserting "\$4,365,617"; in line 7, by striking "\$850,000" and inserting "\$839,120"; in line 11, by striking "\$181,939" and inserting "\$178,529"; in line 22, by striking "\$6,692,375" and inserting "\$6,854,483"; in line 26, by

striking "\$298,660" and inserting "\$161,916"; in line 33, by striking "\$98,880" and inserting "\$97,644"; in line 40, by striking "\$539,000" and inserting "\$532,125";

On page 94, in line 2, by striking "\$750,000" and inserting "\$740,625"; in line 23, by striking "\$230,000" and inserting "\$227,125"; in line 27, by striking "\$50,000" and inserting "\$49,375"; in line 31, by striking "\$341,846" and inserting "\$95,017"; in line 35, by striking "\$534,982" and inserting "\$292,752"; in line 39, by striking "\$110,000" and inserting "\$108,625"; following line 42, by inserting the following material to read as follows:

"Pregnancy initiative	\$355,000
PKU treatment	\$208,000";

On page 98, in line 13, by striking "\$317,876" and inserting "\$321,309";

On page 100, in line 36, by striking "\$4,907,137" and inserting "\$4,270,717"; in line 42, by striking "\$3,890,883" and inserting "\$3,948,770";

On page 101, by striking all in lines 3 through 6;

On page 102, by striking all in lines 10 through 13; in line 17, preceding "management" by inserting "emergency";

On page 104, in line 36, by striking "\$567,216" and inserting "\$689,322"; in line 40, by striking "\$210,780" and inserting "\$259,659";

On page 105, in line 1, by striking "\$481,042" and inserting "\$640,521"; in line 5, by striking "\$1,066,942" and inserting "\$1,284,839"; in line 9, by striking "\$291,241" and inserting "\$303,337"; in line 16, by striking "\$1,884,806" and inserting "\$1,898,457";

On page 106, in line 37, by striking "\$806,118" and inserting "\$794,192";

On page 107, in line 3, by striking "\$88,756" and inserting "\$88,523"; in line 7, by striking "\$47,250" and inserting "\$46,606"; in line 11, by striking "\$335,179" and inserting "\$330,457"; in line 15, by striking "\$1,687,220" and inserting "\$1,703,264"; in line 19, by striking "\$34,839" and inserting "\$35,065"; in line 23, by striking "\$177,214" and inserting "\$178,825"; in line 27, by striking "\$2,021,842" and inserting "\$1,973,021";

On page 108, in line 2, by striking "\$3,544,246" and inserting "\$3,498,366"; in line 22, by striking "\$1,844,067" and inserting "\$1,480,935";

On page 109, in line 9, by striking "\$1,825,129" and inserting "\$1,769,485"; in line 19, by striking "\$1,797,801" and inserting "\$1,814,286"; in line 23, by striking "\$998,396" and inserting "\$1,008,474";

On page 110, in line 28, by striking "\$841,115" and inserting "\$864,259";

On page 113, in line 17, by striking "\$20,542,079" and inserting "\$20,392,623"; in line 21, by striking "\$102,968" and inserting "\$104,955"; in line 25, by striking "\$369,341,328" and inserting "\$369,220,105"; in line 29, by striking "\$19,769,867" and inserting "\$18,314,609"; by striking all in line 34; in line 40, by striking "\$329,652" and inserting "\$333,815";

On page 114, in line 1, by striking "\$2,270,336" and inserting "\$2,325,014"; in line 5, by striking "\$3,298,206" and inserting "\$3,345,959"; in line 9, by striking "\$132,191" and inserting "\$133,902"; in line 10, by striking "\$159,396" and inserting "\$164,662"; in line 15, by striking "\$334,707" and inserting "\$339,223"; in line 23, by striking "\$252,665" and inserting "\$252,644";

On page 115, in line 7, by striking "\$115,753,346" and inserting "\$115,470,727"; in line 16, by striking "\$3,501,535" and inserting "\$3,429,615"; in line 21, by striking "\$139,842,853" and inserting "\$137,685,037"; following line 24, by inserting the following material to read as follows:

"Community mental health centers supplemental funding	\$4,912,500";
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Also on page 115, in line 25, by striking "\$11,396,168" and inserting "\$11,665,821"; in line 37, by striking "\$29,573,910" and inserting "\$30,265,217";

On page 116, in line 8, by striking "\$12,028,156" and inserting "\$12,293,994"; in line 12, by striking "\$16,990,433" and inserting "\$17,431,428"; in line 20, by striking "\$10,424,288" and inserting "\$10,747,244"; in line 40, by striking "\$5,525,712" and inserting "\$5,442,369";

On page 117, in line 4, by striking "\$1,500,000" and inserting "\$1,481,250"; in line 10, by striking "\$115,946,762" and inserting "\$115,673,005"; in line 14, by striking "\$6,536,322" and inserting "\$6,445,715"; in line 26, by striking "\$57,848,381" and inserting "\$58,305,398"; in line 30, by striking "\$57,773,557" and inserting "\$57,215,055";

On page 118, in line 19, by striking “\$1,137,354” and inserting “\$1,178,211”; in line 39, by striking “\$3,896,704” and inserting “\$3,897,760”;

On page 119, in line 34, by striking “\$5,225,263” and inserting “\$5,225,669”;

On page 120, in line 11, by striking “\$1,062,915” and inserting “\$1,063,053”; in line 16, by striking “\$29,187,804” and inserting “\$29,496,729”;

On page 121, in line 17, by striking “\$8,442,190” and inserting “\$8,443,161”; in line 33, by striking “\$11,098,462” and inserting “\$11,099,830”; in line 40, by striking “\$254,995” and inserting “\$259,093”;

On page 126, in line 2, by striking “\$1,223,430” and inserting “\$1,229,221”; in line 10, by striking “\$10,907,638” and inserting “\$10,988,939”; in line 32, by striking “\$374,253,137” and inserting “\$369,788,630”;

On page 127, in line 5, by striking “\$1,985,365,466” and inserting “\$2,001,654,934”; in line 37, by striking “\$250,070,131” and inserting “\$260,771,162”;

On page 131, following line 3, by inserting the following material to read as follows:
 “General state aid..... \$100,000”;

Also on page 131, by striking all in lines 18 through 41;

On page 132, in line 5, by striking “\$1,710,997” and inserting “\$1,727,355”; in line 11, by striking “\$3,222,315” and inserting “\$3,180,700”; in line 16, by striking “\$2,151,140” and inserting “\$2,121,197”; in line 17, by striking “\$603,744” and inserting “\$595,936”; in line 18, by striking “\$467,431” and inserting “\$463,567”; in line 33, by striking “\$309,254” and inserting “\$306,175”; in line 43, by striking “\$1,217,417” and inserting “\$1,179,554”;

On page 133, in line 29, by striking “\$5,503,196” and inserting “\$5,595,307”; in line 34, by striking “\$142,500” and inserting “\$140,625”;

On page 134, in line 25, by striking “\$9,127,454” and inserting “\$9,256,004”;

On page 135, in line 13, by striking “\$5,676,065” and inserting “\$5,752,859”; in line 19, by striking “\$76,183” and inserting “75,160”;

On page 137, in line 15, by striking “\$33,433,880” and inserting “\$33,923,284”; in line 19, by striking “\$137,425” and inserting “\$137,382”; in line 20, by striking “\$285,881” and inserting “\$282,466”;

On page 139, following line 23, by inserting the following material to read as follows:
 “*Provided*, That expenditures made from the federal higher education fiscal stabilization fund — Fort Hays state university shall be expended only for deferred maintenance.”;

Also on page 139, following line 34, by inserting the following material to read as follows:
 “*Provided*, That expenditures made from the federal higher education fiscal stabilization fund — Fort Hays state university shall be expended only for deferred maintenance.”;

Also on page 139, in line 39, by striking “\$106,469,392” and inserting “\$107,838,367”; in line 43, by striking “\$139,500” and inserting “\$137,625”;

On page 142, following line 24, by inserting the following material to read as follows:
 “*Provided*, That expenditures made from the federal higher education fiscal stabilization fund — Kansas state university shall be expended only for deferred maintenance.”;

Also on page 142, following line 35, by inserting the following material to read as follows:
 “*Provided*, That expenditures made from the federal higher education fiscal stabilization fund — Kansas state university shall be expended only for deferred maintenance.”;

Also on page 142, in line 42, by striking “\$19,148,941” and inserting “\$19,472,577”;

On page 143, in line 4, by striking “\$30,950,628” and inserting “\$31,079,453”;

On page 144, following line 19, by inserting the following material to read as follows:
 “*Provided*, That expenditures made from the federal higher education fiscal stabilization fund — Kansas state university extension systems and agricultural research programs shall be expended only for deferred maintenance.”;

Also on page 144, in line 23, by striking “\$293,911” and inserting “\$294,617”;

On page 145, following line 3, by inserting the following material to read as follows:
 “*Provided*, That expenditures made from the federal higher education fiscal stabilization fund — Kansas state university extension systems and agricultural research programs shall be expended only for deferred maintenance.”;

Also on page 145, in line 8, by striking “\$10,193,209” and inserting “\$10,318,980”; in line 12, by striking “\$400,000” and inserting “\$396,250”;

On page 146, following line 15, by inserting the following material to read as follows:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund — Kansas state university veterinary medical center shall be expended only for deferred maintenance.”;

Also on page 146, following line 26, by inserting the following material to read as follows: *“Provided, That expenditures made from the federal higher education fiscal stabilization fund — Kansas state university veterinary medical center shall be expended only for deferred maintenance.”;*

Also on page 146, in line 31, by striking “\$31,688,726” and inserting “\$32,193,214”; in line 35, by striking “\$225,887” and inserting “\$222,851”; in line 36, by striking “\$135,562” and inserting “\$133,740”;

On page 148, following line 28, by inserting the following material to read as follows: *“Provided, That expenditures made from the federal higher education fiscal stabilization fund — Emporia state university shall be expended only for deferred maintenance.”;*

Also on page 148, following line 39, by inserting the following material to read as follows: *“Provided, That expenditures made from the federal higher education fiscal stabilization fund — Emporia state university shall be expended only for deferred maintenance.”;*

On page 149, in line 1, by striking “\$35,078,893” and inserting “\$35,321,427”;

On page 150, following line 39, by inserting the following material to read as follows: *“Provided, That expenditures made from the federal higher education fiscal stabilization fund — Pittsburg state university shall be expended only for deferred maintenance.”;*

On page 151, following line 8, by inserting the following material to read as follows: *“Provided, That expenditures made from the federal higher education fiscal stabilization fund — Pittsburg state university shall be expended only for deferred maintenance.”;*

Also on page 151, in line 13, by striking “\$133,520,107” and inserting “\$134,496,800”; in line 17, by striking “\$6,140,480” and inserting “\$6,183,591”; in line 21, by striking “\$138,474” and inserting “\$137,494”;

On page 153, following line 27, by inserting the following material to read as follows: *“Provided, That expenditures made from the federal higher education fiscal stabilization fund — university of Kansas shall be expended only for deferred maintenance.”;*

Also on page 153, in line 40, by striking “\$28,800” and inserting “\$34,400”;

On page 154, following line 11, by inserting the following material to read as follows: *“Provided, That expenditures made from the federal higher education fiscal stabilization fund — university of Kansas shall be expended only for deferred maintenance.”;*

Also on page 154, in line 16, by striking “\$105,530,589” and inserting “\$105,736,402”; in line 27, by striking “\$2,786,764” and inserting “\$2,751,929”; in line 28, by striking “\$4,515,551” and inserting “\$4,573,150”;

On page 156, following line 31, by inserting the following material to read as follows: *“Provided, That expenditures made from the federal higher education fiscal stabilization fund — university of Kansas medical center shall be expended only for deferred maintenance.”;*

On page 157, following line 11, by inserting the following material to read as follows: *“Provided, That expenditures made from the federal higher education fiscal stabilization fund — university of Kansas medical center shall be expended only for deferred maintenance.”;*

Also on page 157, in line 16, by striking “\$67,252,730” and inserting “\$68,001,387”;

On page 159, following line 5, by inserting the following material to read as follows: *“Provided, That expenditures made from the federal higher education fiscal stabilization fund — Wichita state university shall be expended only for deferred maintenance.”;*

Also on page 159, in line 9, by striking “\$4,948,577” and inserting “\$4,994,337”; following line 20, by inserting the following material to read as follows:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund — Wichita state university shall be expended only for deferred maintenance.”;

Also on page 159, in line 25, by striking “\$3,413,828” and inserting “\$3,429,234”;

On page 160, in line 19, by striking “\$1,133,199” and inserting “\$1,115,159”; in line 30, by striking “\$15,689,878” and inserting “\$15,493,755”; in line 34, by striking “\$315,213” and inserting “\$310,411”; in line 38, by striking “\$528,172” and inserting “\$521,570”;

On page 161, in line 7, by striking “\$186,401” and inserting “\$183,224”; in line 11, by striking “\$500,000” and inserting “\$493,739”; in line 15, by striking “\$1,962,859” and inserting “\$1,937,143”; in line 19, by striking “\$925,838” and inserting “\$914,229”; in line 23, by striking “\$121,275” and inserting “\$117,791”; in line 27, by striking “\$443,592” and inserting “\$434,660”; in line 31, by striking “\$113,850” and inserting “\$112,427”; in line 35, by striking “\$11,636,840” and inserting “\$11,485,262”; in line 36, by striking “\$32,637,844” and inserting “\$32,212,714”; in line 39, by striking “\$1,548,998” and inserting “\$1,529,636”; in line 40, by striking “\$101,976,543” and inserting “\$100,648,230”; in line 42, by striking “\$423,241” and inserting “\$417,728”;

On page 162, in line 8, by striking “\$90,000” and inserting “\$88,875”; in line 9, by striking “\$200,000” and inserting “\$196,632”; in line 32, by striking “\$1,900,000” and inserting “\$1,876,151”;

On page 163, in line 2, by striking “\$757,080” and inserting “\$757,779”; following line 14, by inserting the following material to read as follows:

“Unified operating grant.....	\$2,934,680
Midwestern higher education commission.....	\$93,875

Provided, That any unencumbered balance in the midwestern higher education commission account in excess of \$100 as of June 30, 2009, is hereby reappropriated for fiscal year 2010.”;

On page 165, following line 33, by inserting the following material to read as follows: “*Provided*, That expenditures made from the federal higher education fiscal stabilization fund shall be expended only for deferred maintenance.”;

Also on page 165, following line 35, by inserting the following material to read as follows: “*Provided*, That expenditures made from the federal higher education fiscal stabilization fund — community colleges shall be expended only for deferred maintenance.”;

Also on page 165, following line 37, by inserting the following material to read as follows: “*Provided*, That expenditures made from the federal higher education fiscal stabilization fund — municipal university shall be expended only for deferred maintenance.”;

Also on page 165, following line 39, by inserting the following material to read as follows: “*Provided*, That expenditures made from the federal higher education fiscal stabilization fund — postsecondary technical education shall be expended only for deferred maintenance.”;

On page 170, following line 10, by inserting the following material to read as follows: “*Provided*, That expenditures made from the federal higher education fiscal stabilization fund shall be expended only for deferred maintenance.”;

Also on page 170, following line 12, by inserting the following material to read as follows: “*Provided*, That expenditures made from the federal higher education fiscal stabilization fund — community colleges shall be expended only for deferred maintenance.”;

Also on page 170, following line 14, by inserting the following material to read as follows: “*Provided*, That expenditures made from the federal higher education fiscal stabilization fund — municipal university shall be expended only for deferred maintenance.”;

Also on page 170, following line 16, by inserting the following material to read as follows: “*Provided*, That expenditures made from the federal higher education fiscal stabilization fund — postsecondary technical education shall be expended only for deferred maintenance.”;

Also on page 170, in line 21, by striking “\$20,473,418” and inserting “\$20,678,699”; in line 27, by striking “\$16,955,892” and inserting “\$16,711,194”; in line 36, by striking “\$6,129,376” and inserting “\$6,161,826”; in line 40, by striking “\$1,361,000” and inserting “\$1,343,987”;

On page 171, in line 3, by striking “\$48,147,584” and inserting “\$47,151,180”; in line 7, by striking “\$12,346,083” and inserting “\$12,597,201”; in line 13, by striking “\$7,741,967” and inserting “\$8,370,522”; in line 19, by striking “\$36,700,008” and inserting “\$37,338,480”; in line 25, by striking “\$12,336,798” and inserting “\$12,598,561”; in line 31, by striking “\$2,190,150” and inserting “\$2,385,842”; in line 37, by striking “\$2,703,749” and inserting “\$2,935,807”; in line 43, by striking “\$23,534,570” and inserting “\$23,923,596”;

On page 172, in line 7, by striking “\$9,672,390” and inserting “\$9,872,348”; in line 14, by striking “\$13,766,482” and inserting “\$13,587,648”;

On page 175, in line 42, by striking “\$2,783,657” and inserting “\$3,430,891”;

On page 176, in line 5, by striking "\$1,143,212" and inserting "\$1,151,673"; in line 9, by striking "\$15,721,236" and inserting "\$15,969,602"; in line 20, by striking "\$379,770" and inserting "\$380,922"; in line 35, by striking "\$3,847,762" and inserting "\$3,878,689";

On page 177, in line 2, by striking "\$8,727,511" and inserting "\$8,879,595"; in line 12, by striking "\$17,984,425" and inserting "\$17,143,209"; in line 13, by striking "\$16,721,809" and inserting "\$16,512,786"; in line 14, by striking "\$700,000" and inserting "\$687,500";

On page 179, in line 41, by striking "\$4,868,769" and inserting "\$4,893,433";

On page 180, in line 3, by striking "\$7,818,260" and inserting "\$7,567,665"; in line 7, by striking "\$17,640" and inserting "\$17,224"; in line 11, by striking "\$31,229" and inserting "\$31,488"; in line 12, by striking "\$24,500" and inserting "\$24,137"; in line 19, by striking "\$49,000" and inserting "\$48,375";

On page 183, in line 35, by striking "\$3,559,425" and inserting "\$3,646,804";

On page 184, in line 9, by striking "\$371,951" and inserting "\$376,917"; in line 11, by striking "\$170,268" and inserting "\$174,596"; by striking all in lines 26 through 37;

And relettering subsections accordingly;

On page 186, in line 18, by striking "\$488,386" and inserting "\$489,486"; in line 26, by striking "\$35,106,115" and inserting "\$35,541,656";

On page 188, in line 15, by striking "\$19,377,098" and inserting "\$19,823,500";

On page 189, in line 9, by striking "\$4,921,179.75" and inserting "\$5,032,780.25"; in line 36, by striking "\$8,776,528.75" and inserting "\$8,885,414"; by striking all in line 43;

On page 190, by striking all in lines 1 through 25 and inserting the following material to read as follows:

"(j) In addition to the other purposes for which expenditures may be made by the Kansas highway patrol from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2009 regular session of the legislature, notwithstanding the provisions of any other statute, the Kansas highway patrol shall make expenditures to bill the Kansas turnpike authority for \$1,000,000 to reimburse the expenses incurred by the Kansas highway patrol to provide for a second trooper trainee course: *Provided*, That all moneys received from the Kansas turnpike authority pursuant to such billing shall be remitted to the state treasurer and 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 for patrol of Kansas turnpike fund.";

Also on page 190, in line 30, by striking "\$15,558,370" and inserting "\$15,384,913";

On page 193, in line 26, by striking "\$1,329,211" and inserting "\$1,350,225";

On page 194, by striking all in lines 16 through 28;

And by relettering remaining subsection accordingly;

On page 196, in line 19, by striking "\$705,887" and inserting "\$713,591"; in line 23, by striking "\$8,249,626" and inserting "\$8,134,151";

On page 197, in line 13, by striking "\$644,624" and inserting "\$655,767"; in line 21, by striking "\$10,948,668" and inserting "\$11,104,638"; in line 42, by striking "\$99,171" and inserting "\$102,032";

On page 198, in line 3, by striking "\$508,425" and inserting "\$522,414"; in line 41, by striking "\$127,708" and inserting "\$130,514";

On page 201, in line 31, by striking "\$737,536" and inserting "\$767,213"; in line 32, by striking "\$49,700" and inserting "\$59,850"; in line 33, by striking "\$337,379" and inserting "\$412,271";

On page 202, in line 11, by striking "\$864,525" and inserting "\$897,686";

On page 203, following line 6, by inserting the following material to read as follows:

"(c) On July 1, 2009, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 47-673, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$17,275 from the livestock and pseudorabies indemnity fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the livestock and pseudorabies indemnity fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the livestock and pseudorabies indemnity 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 animal health department by other state agencies which receive appropriations from the state general fund to provide such services.

(d) On July 1, 2009, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$31,244 from the legal services fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the legal services fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the legal services 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 animal health department by other state agencies which receive appropriations from the state general fund to provide such services.

(e) On July 1, 2009, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$15,420 from the conversion of materials and equipment fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the conversion of materials and equipment fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the conversion of materials and equipment 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 animal health department by other state agencies which receive appropriations from the state general fund to provide such services.

(f) On July 1, 2009, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$23,864 from the Greensburg account of the disease control — federal fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the disease control — federal fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the Greensburg account of the disease control — federal 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 animal health department by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 203, following line 23, by inserting the following material as follows:

“(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2010, the following:

Competitive premiums \$25,000”;

Also on page 203, in line 28, by striking “\$832,406” and inserting “\$798,776”;

On page 204, in line 8, by striking “\$2,351,510” and inserting “\$2,812,917”; in line 19, by striking “\$2,501,102” and inserting “\$2,987,428”; in line 27, by striking “\$759,600” and inserting “\$907,300”; in line 36, by striking “\$718,896” and inserting “\$858,681”; in line 40, by striking “\$216,000” and inserting “\$258,000”;

On page 205, in line 11, by striking “\$181,283” and inserting “\$216,533”; in line 15, by striking “\$81,011” and inserting “\$500,330”; in line 40, by striking “\$2,025,746” and inserting “\$2,029,866”;

On page 207, in line 3, preceding the comma, by inserting “or to complete studies or take actions necessary to ensure reservoir storage sustainability”; in line 8, by striking “\$532,500” and inserting “\$641,250”; in line 12, by striking “\$177,500” and inserting “\$213,750”; in line 16, by striking “\$216,550” and inserting “\$260,775”; in line 20, by striking “\$443,692” and inserting “\$534,306”; in line 24, by striking “\$55,314” and inserting “\$66,611”; in line 28, by striking “\$300,000” and inserting “\$500,000”; in line 33, by striking “\$156,200” and inserting “\$188,100”; in line 37, by striking “\$56,800” and inserting “\$68,400”; in line 41, by striking “\$213,000” and inserting “\$256,500”;

On page 209, in line 31, by striking “\$3,694,916” and inserting “\$3,713,496”; in line 36, by striking “\$2,033,050” and inserting “\$2,051,169”; in line 41, by striking “\$38,000” and inserting “\$36,972”;

On page 210, in line 15, by striking “\$20,000” and inserting “\$17,664”; in line 32, by striking “\$75,392” and inserting “\$74,450”;

On page 211, in line 14, by striking “\$20,862,272” and inserting “\$21,133,611”; in line 25, by striking “\$5,639,129” and inserting “\$5,711,626”; in line 35, by striking “\$902,595” and inserting “\$926,368”;

On page 212, in line 14, by striking “\$970,486” and inserting “\$997,553”;

On page 213, in line 12, by striking “\$28,800” and inserting “\$34,400”;

On page 214, in line 25, by striking “\$272,507,119” and inserting “\$278,102,428”;

On page 216, following line 31, by inserting the following material to read as follows:

“(i) *Kansas savings incentive program.* (1) In addition to other expenditures authorized by law, expenditures may be made from the agency operations account of the state highway fund appropriated by this act for the fiscal year ending June 30, 2010, by the department of transportation for the following purposes: (A) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2008 Supp. 75-37,105, and amendments thereto, (B) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2010 submitted by the state agency pursuant to K.S.A. 75-3717, and amendments thereto, and (C) professional development training including official hospitality: *Provided*, That all such expenditures from such fund for fiscal year 2010 shall be in addition to any expenditure limitation imposed on the agency operations account of the state highway fund for fiscal year 2010: *Provided, however*, That the total amount of such expenditures from the agency operations account of the state highway fund for fiscal year 2010 shall not exceed the amount equal to 50% of the unexpended portion of the amount authorized to be expended from the agency operations account of the state highway fund for fiscal year 2010 for agency operations, as determined by the director of accounts and reports: *Provided further*, That the total cost of all such non-monetary awards to any individual employee during fiscal year 2010 under this subsection shall not exceed \$3,500: *And provided further*, That the provisions of this subsection (i)(1) shall apply only to: (A) That portion of the moneys in the agency operations account of the state highway fund from which expenditures may be made for agency operations, and (B) shall not include that portion of moneys which may be expended for other operating expenses in the regular maintenance subprogram.

(2) Any unencumbered balance in excess of \$100 as of June 30, 2009, in any account of any special revenue fund of the department of transportation, which was appropriated by subsection (i) of section 133 of chapter 131 of the 2008 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2009 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2010, for the purposes authorized in subsection (i)(1) of this section. All expenditures from any such account of any such special revenue fund shall be in addition to any expenditure limitation imposed on such special revenue fund for the fiscal year ending June 30, 2010.

(3) No salary bonus payment paid pursuant to this subsection (i) during fiscal year 2010 shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be in addition to the regular earnings which that employee may be entitled or for which the employee may become eligible.”;

Also on page 216, in line 42, by striking “143.36” and inserting “138.36”;

On page 217, after line 34, by inserting the following material to read as follows:

“Kansas, Inc. 4.50”;

On page 218, following line 43, by inserting the following material to read as follows:

“Sec. 94. *Kansas savings incentive program.* (a) In addition to other expenditures authorized by law, expenditures may be made from any account of the state general fund reappropriated by this act for the fiscal year ending June 30, 2010, for any state agency named in this act for the following purposes: (1) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2008 Supp. 75-37,105, and amendments thereto, (2) purchase or other acquisition of technology equipment which

was included in the budget estimates for fiscal year 2010 submitted by the state agency pursuant to K.S.A. 75-3717, and amendments thereto, and (3) professional development training including official hospitality: *Provided, however*, That the total of all such expenditures from such account of the state general fund for fiscal year 2010 shall not exceed the amount equal to 50% of the amount of the unencumbered balance as of June 30, 2009, in such account of the state general fund that is reappropriated for fiscal year 2010 and that is in excess of the amount authorized to be expended for fiscal year 2010 from such reappropriated balance, as determined by the director of accounts and reports: *Provided further*, That the total cost of all such non-monetary awards to any individual employee during fiscal year 2010 that are paid under this subsection plus any amount paid for such awards under subsection (b) shall not exceed \$3,500: *And provided further*, That the provisions of this subsection shall apply only to that portion of any such account from which expenditures may be made for state operations: *And provided further*, That all such expenditures from the reappropriated balance in any such account for the fiscal year 2010 shall be in addition to any expenditure limitation imposed on expenditures from the reappropriated balance in any such account for fiscal year 2010.

(b) In addition to other expenditures authorized by law, expenditures may be made from any special revenue fund appropriated by this act for the fiscal year ending June 30, 2010, for a state agency named in this act for the following purposes: (1) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2008 Supp. 75-37,105, and amendments thereto, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2010 submitted by the state agency pursuant to K.S.A. 75-3717, and amendments thereto, and (3) professional development training including official hospitality: *Provided*, That all such expenditures from such fund for fiscal year 2010 shall be in addition to any expenditure limitation imposed on such fund or any account thereof for fiscal year 2010: *Provided, however*, That the total amount of such expenditures from such fund for fiscal year 2010 shall not exceed the amount equal to 50% of the unexpended portion of the amount authorized to be expended from such fund for fiscal year 2009 for state operations, as determined by the director of accounts and reports, or, in the case of no limit appropriations, as determined by the director of the budget: *Provided further*, That the total cost of all such non-monetary awards to any individual employee during fiscal year 2010 that are paid under this subsection plus any amount paid for such awards under subsection (a) shall not exceed \$3,500: *And provided further*, That the provisions of this subsection shall apply only to: (1) That portion of the moneys in each account of a special revenue fund from which portion expenditures may be made for state operations, and (2) that portion of the moneys in a special revenue fund, that does not have any such accounts specified in this or other appropriation act, from which portion expenditures may be made for state operations.

(c) (1) Any unencumbered balance in excess of \$100 as of June 30, 2009, in any account of the state general fund of any state agency named in this act, which was reappropriated by subsection (c)(1) of section 135 of chapter 131 of the 2008 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2009 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 2010, and may be expended for the purposes authorized in subsection (a).

(2) Any unencumbered balance in excess of \$100 as of June 30, 2009, in any account of any special revenue fund of any state agency named in this act, which was appropriated by subsection (c)(2) of section 135 of chapter 131 of the 2008 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2009 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2010, and may be expended for the purposes authorized or specified in subsection (b). All expenditures from any such account of any such special revenue fund shall be in addition to any expenditure limitation imposed on such special revenue fund for fiscal year 2010.

(d) No salary bonus payment paid pursuant to this section during fiscal year 2010 shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment

paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be in addition to the regular earnings which that employee may be entitled to or for which the employee may become eligible.

(e) The provisions of this section shall not apply to any state agency named in section 23 of this act or to the department of transportation.”;

On page 230, in line 34, by striking all after “the”; by striking all in line 35; in line 36, by striking “of 2010” and inserting “period commencing on July 1, 2009, and ending on November 30, 2009”;

On page 231, by striking all in line 1; in line 2, by striking “January, February or March of 2010” and inserting “the period commencing on July 1, 2009, and ending on November 30, 2009”;

by striking all in lines 14 through 43;

On page 233, in line 2, following “(b)” by inserting “(1)”; following line 12, by inserting the following material to read as follows:

“(2) On or before June 30, 2012, during fiscal year 2012, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the workers compensation fund of the insurance department for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section 10(a) of chapter 3 of the 2003 Session Laws of Kansas: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(2), the director of the budget shall deliver a copy of such certification to the director of legislative research.”;

On page 234, by striking all in lines 28 through 33;

On page 246, in line 22, by striking all following “(2)”; in line 23, by striking all preceding the period and inserting “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 \$3,000,000”; following line 30, by inserting the following material to read as follows:

“Sec. 115. On the effective date of this act, section 95 of 2009 House Substitute for Substitute for SB23 is hereby amended to read as follows: Section 95. (a) On the effective date of this act, of the amount of each appropriation or reappropriation for a state agency for the fiscal year ending June 30, 2009, made by chapter 131, 156, 159, 160, 164, 172 or 184 of the 2008 Session Laws of Kansas, ~~or by this or other appropriation act of the 2009 regular session of the legislature~~ from the state general fund, the sum equal to 1.25% of such appropriation or reappropriation, which is not exempt, is hereby lapsed. The following are exempt from and shall not be reduced by such lapsing provision: (1) Any item of appropriation or reappropriation for debt service for payments pursuant to contractual bond obligations, (2) any item of appropriation or reappropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto, (3) any item of appropriation or reappropriation for the department of education, and (4) any item of appropriation or reappropriation from the state general fund for fiscal year ending June 30, 2009, for the department of social and rehabilitation services, Kansas health policy authority, or the department on aging which are required to meet caseload obligations under the state medicaid plan including nursing facilities, general medical, targeted case management, mental health, community supports and services, or addiction and prevention services or for the department of social and rehabilitation services to meet caseload obligations for nursing facilities for mental health, general assistance, temporary assistance for families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this clause: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this clause (4), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(b) The provisions of this section shall not apply to any transfer of moneys to the: (1) School district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto, and (2) school district capital outlay state aid fund for distribution to school districts pursuant to K.S.A. 72-8814, and amendments thereto.

Sec. 116. On the effective date of this act, section 95 of 2009 House Substitute for Substitute for SB23 is hereby repealed.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 14, following “amending” by inserting “Section 95 of 2008 House Substitute for Substitute for Senate Bill No. 23,”; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **SB 160** be amended on page 2, in line 4, after “(c)” by inserting the following:

“Newly hired employees who are less than 20 years of age, in lieu of the minimum wage prescribed in subsection (a), may be paid by an employer, during the first 90 consecutive calendar days after such employee is initially employed by such employer, a wage which is not less than \$4.25 an hour. No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages or employment benefits) for purposes of hiring individuals at the wage authorized in this subsection.

(d)”;

Also on page 2, after line 8, by inserting the following:

“New Sec. 2. (a) From and after January 1, 2010, the secretary shall adopt rules and regulations establishing the state minimum wage. These rules and regulations shall be consistent with and not less than the minimum wage established by the federal fair labor standards act.

(b) This section shall be part of and supplemental to the minimum wage and maximum hours law.”;

And by renumbering the remaining sections accordingly; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **Substitute for SB 28** be amended on page 7, in line 8, after “which” by inserting “the trier of fact makes a finding that”; and the substitute bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 248** be amended on page 2, following line 33, by inserting the following:

“(g) The requirements of this section shall not apply where there is a lawful prescription present for the methamphetamine precursor sold.”;

On page 4, in line 3, by striking all following “of”; by striking all in line 4 and inserting “complying with the provisions of this act; and”; in line 5, by striking the semicolon; in line 6, by striking “and” and inserting a period; by striking all in lines 7 through 9;

On page 5, in line 3, by striking “a year” and inserting “six months”; and the bill be passed as amended.

Committee on **Economic Development and Tourism** recommends **SB 108** be passed.

Committee on **Economic Development and Tourism** recommends **SB 1** 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 **Economic Development and Tourism** recommends **SB 119** be amended on page 4, in lines 23 and 24, by striking “50%” and inserting “55%”;

On page 7, in line 16, by striking “to the credit of the” and inserting “, and the state treasurer shall credit 2% of all taxes so collected to the community improvement district sales tax administration fund, which fund is hereby established in the state treasury, to defray the expenses of the department of revenue in administration and enforcement of the collection thereof. The aggregate amount of moneys credited to the community improvement district sales tax administration fund shall not exceed \$60,000 in any state fiscal year. The remainder of such taxes shall be credited to the”; and the bill be passed as amended.

Committee on **Education** recommends **SB 290** be passed.

Committee on **Education** recommends **HCR 5015** be adopted.

Committee on **Education Budget** recommends **SB 9** be amended on page 3, following line 13, by inserting the following:

“(c) The provisions of this act shall expire on June 30, 2012.”;

On page 13, in line 31, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Elections** recommends **SB 56** be passed.

Committee on **Elections** recommends **SB 55** be amended on page 1, by striking all in lines 41 through 43;

By striking all on pages 2 through 9;

On page 10, by striking all in lines 1 through 40;

And by renumbering sections accordingly;

Also on page 10, in line 41, by striking all after “25-1218”; in line 42, by striking all before “hereby” and inserting “is”;

In the title, in line 14, before “amending” by inserting “pertaining to official federal services absentee ballots;”; also in line 14, by striking “K.S.A. 2008”; by striking all in line 15; in line 16, by striking “sections” and inserting “section”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HCR 5017** be adopted.

Committee on **Federal and State Affairs** recommends **SB 53** be amended on page 1, in line 35, after “application” by inserting “approval”; also in line 35, after “of” where it appears the second time, by inserting “, released from incarceration for or released from probation or parole for”;

On page 2, by striking all in lines 41 and 42;

On page 3, by striking all in lines 3 and 4; by striking all in lines 9 through 11; by striking all in lines 14 through 20; in line 23, after the semicolon by inserting “or”; in line 25, by striking “; or”; by striking all in line 26; in line 27, by striking all before the period”;

And by renumbering the paragraphs accordingly;

Also on page 3, in line 28, by striking “(a)(8) and (11)” and inserting “(a)(4) and (5)”; after line 31, by inserting the following:

“(c) The board of county commissioners or the governing body of any city, upon five days’ notice to the persons holding a license, shall revoke or suspend the license for any one of the following reasons:

(1) The licensee has fraudulently obtained the license by giving false information in the application therefor;

(2) the licensee has become ineligible to obtain a license under this act;

(3) the nonpayment of any license fees;

(4) permitting any gambling in or upon the licensee’s place of business;

(5) the employment of persons under 18 years of age in dispensing or selling cereal malt beverages;

(6) the employment or continuation in employment of a person in connection with the sale, serving or dispensing of cereal malt beverages if the licensee knows such person has been, within the preceding two years, adjudged guilty of a felony or of any violation of the intoxicating liquor laws of this state, another state or the United States; or

(7) there has been a violation of K.S.A. 21-4106 or 21-4107, and amendments thereto, in or upon the licensee’s place of business.”;

Also on page 3, in line 32, by striking “(c)” and inserting “(d)” and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 54** be amended on page 1, in line 12, by striking all after “The”; in line 13, by striking “of administration” and inserting “capitol preservation committee”; by striking all in lines 18 through 20; in line 21, by striking “(c)” and inserting “(b)”; in line 22, by striking “subsections (a) and (b)” and inserting “subsection (a)”; after line 24, by inserting the following:

“Sec. 2. (a) There is hereby created a capitol preservation committee which will include the membership of the following:

(1) The statehouse architect;

(2) the executive director of the state historical society;

(3) three members appointed for two-year terms by the governor;

(4) three members appointed for two-year terms by the president of the senate; and

(5) three members appointed for two-year terms by the speaker of the house of representatives.

The governor shall appoint the chair of the committee. The committee shall meet at least annually and more often upon call of the chairperson.

(b) The committee shall have the following responsibilities:

(1) Approve all proposals for renovation or reconstruction of all areas of the state capitol, the capitol's visitor center and the grounds surrounding the state capitol to insure that the historical beauty of the areas are preserved;

(2) preserve the proper decor of such areas;

(3) assure that any art or artistic displays are historically accurate and have historic significance; and

(4) the location and types of temporary displays and revolving displays in the state capitol including the visitor center.

(c) Any permanent displays or monuments proposed to be located on the state capitol grounds must be approved by the committee and authorized by the passage of a bill of the state legislature.

(d) The capitol preservation committee shall appoint three subcommittees for the following:

(1) The house of representatives subcommittee shall have oversight responsibility for the house of representatives chambers on the third floor of the state capitol and the common areas or environs of the chambers including the common areas or environs of such chambers on the forth and fifth floors and the house leadership offices. The subcommittee shall have the following responsibilities:

(A) Approve all proposals for renovation or reconstruction of such areas to insure the historical beauty of the areas are preserved;

(B) preserve the proper decor of such areas; and

(C) assure that any art or artistic displays are historically accurate and have historic significance.

(2) The senate subcommittee shall have oversight responsibility for the senate chambers on the third floor of the state capitol and the common areas or environs of the chambers including the common areas or environs of such chambers on the third and fourth floors, the senate leadership offices and the cage elevator area on the third floor. The subcommittee shall have the following responsibilities:

(A) Approve all proposals for renovation or reconstruction of such areas to insure the historical beauty of the areas are preserved;

(B) preserve the proper decor of such areas; and

(C) assure that any art or artistic displays are historically accurate and have historic significance.

(3) The governor's subcommittee shall have oversight responsibility for the governor's offices and lieutenant governor's offices on the second floor of the state capitol and the common areas or environs of such offices including the cage elevator area on the second floor and the old supreme court room on the third floor. The subcommittee shall have the following responsibilities:

(A) Approve all proposals for renovation or reconstruction of such areas to insure the historical beauty of the areas are preserved;

(B) preserve the proper decor of such areas; and

(C) assure that any art or artistic displays are historically accurate and have historic significance.;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking all after "concerning" and inserting "the state capitol and grounds"; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **SB 275** be passed.

General Government Budget Committee recommends **HB 2331** be amended on page 1, in line 24, preceding "each" by inserting "January and July of"; in line 26, by striking "2%" and inserting "2.5%";

On page 2, in line 17, by striking "2%" and inserting "2.5%";

On page 3, in line 11, by striking "2%" and inserting "2.5%"; and the bill be passed as amended.

General Government Budget Committee recommends **HB 2360** be amended on page 1, in line 18, by striking "15" and inserting "1"; in line 22, by striking "15" and inserting "1"; and the bill be passed as amended.

General Government Budget Committee recommends **SB 168** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 168,” as follows:

“HOUSE Substitute for SENATE BILL No. 168

By Committee on General Government Budget

“AN ACT concerning state agencies; relating to salaries and wages; amounts budgeted and appropriated therefor; payment of payroll obligations.”; and the substitute bill be passed.

(**H. Sub. for SB 168** was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **HB 2275** be amended on page 11, in line 33, by striking “public” and inserting “cash”; in line 34, by striking “any form of public” and inserting “cash”; also in line 34, by striking “public”, where it appears the second time, and inserting “cash”; in line 35, after “of”, where it appears the second time, by inserting “cash”; in line 36, by striking “random”, where it appears for the first time; also in line 36, by striking “The” and inserting “Within the limits of appropriations therefor, the”; also in line 36, by striking “random”, where it appears the second time; in line 37, by striking “public” and inserting “cash”; in line 38, by striking “and medicaid participation requirements”; in line 39, by striking “Kansas health policy authority” and inserting “secretary of social and rehabilitation services”; also in line 39, by striking “2010” and inserting “2011”; also in line 39, after the period by inserting “Subject to appropriations therefor, such program shall provide for random drug screening of approximately 1/3 of cash assistance recipients each year.”; also in line 39, by striking “public” and inserting “cash”;

On page 12, in line 1, by striking “welfare” and inserting “cash assistance”; in lines 3, 4, 6 and 7 by striking “public” and inserting “cash”; in line 8, by striking “Kansas health policy authority” and inserting “department of social and rehabilitation services”; in line 12, by striking “Kansas health policy authority” and inserting “secretary of social and rehabilitation services”; after line 17, by inserting the following:

“(5) The secretary of social and rehabilitation services shall report on or before January 31, 2012, 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 under K.S.A. 2008 Supp. 38-147, and amendments thereto, and any rules and regulations adopted pursuant to such statutes.

(7) During the 2011 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.”;

Also on page 12, by striking all in lines 18 through 43;

By striking all on pages 13 through 15;

On page 16, by striking all in lines 1 and 2;

And by renumbering the remaining sections accordingly;

Also on page 16, in line 3, by striking “and 60-4117 are” and inserting “is”; in line 4, before “its” by inserting “July 1, 2010, and”;

On page 1, in the title, in line 9, by striking “random”; also in line 9, by striking “public” and inserting “cash”; in line 10, by striking “applicants and”; in line 11, by striking “and 60-4117”; also in line 11, by striking “sections” and inserting “section”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2356** be amended on page 1, in line 14, after “(a)” by inserting “(1)”; by striking all in lines 29 through 34; in line 35, by striking “ties.” and inserting the following: “The secretary of health and environment shall grant no license in any case until careful inspection of the maternity center or child care facility shall have been made according to the terms of this act and until such maternity center or child care facility has complied with all the requirements of this act. The secretary may grant a license to a maternity center or child care facility if such center or facility is accredited, for the program or services for which the license has been applied for, by the

joint commission, or the council on accreditation for children and family services, inc. or the commission on accreditation of rehabilitation facilities. The secretary of health and environment may promulgate rules and regulations for the purpose of recognizing such accreditation. Such rules and regulations shall be promulgated on or before July 1, 2010.”;

Also in line 35, preceding “Except” by inserting “(2)” and commencing a paragraph with “(2)”;

On page 3, in line 3, by striking all after “facility”; by striking all in lines 4 and 5; in line 6, by striking all before “purpose” and inserting “unless the secretary deems such inspection unnecessary due to accreditation of the maternity center or child care facility by the joint commission, the council on accreditation for children and family service, inc. or the commission on accreditation of habilitation facilities. For the”; also in line 6, by striking “it” and inserting “of inspection the secretary of health and environment”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 33** be amended on page 1, in line 20, by striking “licensure” and inserting “a certificate”; in line 30, by striking “licensure” and inserting “certificate”; in line 38, by striking “or”; in line 39, by striking “licenses, or both.”; in line 40, by striking “necessary to reimburse the board for” and inserting “equal to”;

On page 2, in line 4, by striking “board of”; also in line 4, before the period, by inserting “board”; in line 5, by striking “board of”, where it appears for the first time; also in line 5, before the period, by inserting “board”; also in line 5, by striking “of” where it appears for the second time; in line 6, by striking all before “shall”; in line 38, by striking all after “amount” and inserting “equal to”;

On page 3, in line 17, by striking “\$100” and inserting “\$50”;

On page 5, in line 11, after “members” by inserting “appointed on and after July 1, 2009.”;

On page 1, in the title, in line 12, by striking “the”; also in line 12, by striking “licensure of”; in line 13, by striking “relating to”; in line 14, after “checks” by inserting “by the emergency medical services board and the state board of pharmacy”; in line 15, before “amending” by inserting “pharmacy technicians; terms and membership of the state board of pharmacy.”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 147** be amended on page 1, in line 15, after “other” by inserting “health care”; in line 18, after “trimester” by inserting “of pregnancy”; in line 19, after “other” by inserting “health care”; in line 25, by striking all after the period; in line 26, by striking all before “When”; in line 31, after the period by inserting “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.”; in line 40, after the period, by inserting “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.”; in line 42, by striking “a year” and inserting “six months”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 135** be passed.

Committee on **Judiciary** recommends **SB 68** be amended on page 4, in line 17, by striking “Kansas register” and inserting “statute book”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 134** be amended on page 4, in line 11, by striking “Notwithstanding”; by striking all in lines 12 and 13 and inserting: “Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.”;

On page 5, by striking all in lines 40 and 41 and inserting: “Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per reinstatement fee, to fund the costs of non-judicial personnel.”;

On page 6, by striking all in lines 17 and 18 and inserting: “Except as provided further, the marriage license fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for a marriage license. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per marriage license fee, to fund the costs of non-judicial personnel.”;

On page 7, in line 26, by striking “Notwithstanding any provision of law to the contrary, the”; by striking all in lines 27 and 28 and inserting: “Except as provided further, the bond, lien or judgment fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such bond, lien or judgment. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per bond, lien or judgment fee, to fund the costs of non-judicial personnel.”;

On page 9, in line 21, by striking “Notwithstand-”; by striking all in lines 22 and 23 and inserting: “Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.”; in line 30, by striking “Notwithstanding any provision of law”; by striking all in lines 31 and 32 and inserting: “(a) Except as provided further, the fees established by legislative enactment shall be the only fee collected or moneys in the nature of a fee collected for court procedures. 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. Court procedures shall include docket fees, filing fees or other fees related to access to court procedures. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per fee, to fund the costs of non-judicial personnel.

(b) Any additional charge imposed by the court pursuant to K.S.A. 8-2107, 8-2110, 23-108a, 28-170, 28-172a, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and K.S.A. 2008 Supp. 38-2215, and 38-2314, and amendments thereto, 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 judicial branch surcharge fund, which is hereby created in the state treasury.

(c) All moneys credited to the judicial branch surcharge fund shall be used for compensation of non-judicial personnel and shall not be expended for compensation of judges or justices of the judicial branch.

(d) All expenditures from the judicial branch surcharge fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to payrolls approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.”; in line 36, by striking “Notwithstanding any pro-”; by striking all in lines 37 and 38 and inserting: “Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.”;

On page 10, in line 34, by striking “Notwithstanding any pro-”; by striking all in lines 35 and 36 and inserting: “Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee.

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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.”;

On page 12, in line 27, by striking “Notwithstanding-”; by striking all in lines 28 and 29 and inserting: “Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.”;

On page 13, in line 22, by striking “Notwithstanding-”; by striking all in lines 23 and 24 and inserting: “Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.”; in line 34, by striking “Notwithstanding any provision of law to the con-”; by striking all in lines 35 and 36 and inserting: “Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.”;

On page 15, in line 25, by striking “Notwithstanding any”; by striking all in lines 26 and 27 and inserting: “Except as provided further, the fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the court procedure. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per fee, to fund the costs of non-judicial personnel.”;

On page 16, in line 28, by striking “Notwithstanding-”; by striking all in lines 29 and 30 and inserting: “Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.”;

On page 17, in line 8, by striking “Notwithstanding-”; by striking all in lines 9 and 10 and inserting: “Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.”; 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 2389, An act regulating vehicle title loans, by Committee on Federal and State Affairs.

HB 2390, An act relating to accident and health insurance; concerning continuation of coverage, by Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6019—

By Committee on Federal and State Affairs

A RESOLUTION urging the U.S. Food and Drug Administration to use caution in approving new vaccines such as Gardasil which has had a number of health problems including some deaths associated with the use of this vaccine.

WHEREAS, The genital human papillomavirus (HPV) is the most common sexually transmitted infection with more than 40 different strains of this virus; and

WHEREAS, The vaccine Gardasil was approved by the U.S. Food and Drug Administration for use in June, 2006, as a vaccine to prevent the transmission of some strains of HPV which can cause cervical cancer in women; and

WHEREAS, The approval of Gardasil was much hyped, with Merck claiming that it had the potential to eventually eliminate most cervical cancers; and

WHEREAS, The FDA erred in its rush to approve Gardasil, and did not study the vaccine's possible side effects thoroughly; and

WHEREAS, Following its approval, the Centers for Disease Control (CDC) recommended that all young girls between the ages of 11 and 12 receive the Gardasil vaccine; and

WHEREAS, Recently, 20 states have pushed for federal mandates to make Gardasil mandatory for sixth grade girls; and

WHEREAS, Since its approval, there have been over 3,400 complaints of adverse reactions to the Gardasil vaccine, and there could have been as many as eight deaths attributable to Gardasil; and

WHEREAS, Side effects that have been reported include Bells Palsy, Guillain-Barre Syndrome, seizures, miscarriages and even death; and

Be it resolved by the House of Representatives of the State of Kansas: That the U.S. Food and Drug Administration only approve new vaccines and drugs that have been adequately studied to insure the safety of the public; 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 Senate, the Speaker of the United States House of Representatives, each member of Congress from the State of Kansas, and the office of Commissioner of the U.S. Food and Drug Administration.

HOUSE RESOLUTION No. 6020—

By Representatives Henry, Aurand, Ballard, 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, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Logan bill, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley and Yoder

A RESOLUTION in memory of Richard Cameron.

WHEREAS, Richard E. "Dick" Cameron passed away Wednesday, March 11, 2009, at the age of 84 at his residence surrounded by his family; and

WHEREAS, Richard Cameron was born May 29, 1925, in Parsons, Kansas to Charles E. and Rachel Goldsborough Cameron; and

WHEREAS, He married Ellen M. Armstrong on August 28, 1948, in Parsons, Kansas; and

WHEREAS, Mr. Cameron enlisted in the United States Air Corps in the Aviation Cadet program in 1942, serving as a B25 bomber pilot until his honorable discharge in November 1946 with the rank of lieutenant; and

WHEREAS, Following his military service, Richard Cameron attended the Sparton School of Aeronautics in Tulsa, Oklahoma, where he earned the rating of flight instructor before completing his college studies at the College of Emporia in 1949; and

WHEREAS, Mr. Cameron served as a State Farm Insurance agent for 40 years, retiring in 1995; and

WHEREAS, Richard Cameron served the state as a Kansas State Representative in the 49th District for two terms from 1978 to 1982; and

WHEREAS, Mr. Cameron was a Presbyterian elder and deacon, in addition to being a longtime member of the Atchison Kiwanis Club and the Fleming-Jackson-Seever Post Number 6 of the American Legion; and

WHEREAS, Mr. Cameron enjoyed spending his free time flying, traveling, cartooning and pursuing other forms of art work; and

WHEREAS, Mr. Cameron is survived by his wife Ellen M. Cameron; two daughters, Jane and husband Don Gray and Ruth Ann and husband Hal Jackson; his son Richard B. and his wife Tera Cameron; four grandchildren and one great-grandchild. Mr. Cameron was preceded in death by his brother, Loren D. Cameron; and

WHEREAS, Richard Cameron's life of service to his country, to his state and to his customers serves as an example for all Kansans to live by; Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor Richard Cameron for his lifetime of service and contributions to his community and that we extend our deepest sympathy to his wife Ellen, family and friends; and

Be it further resolved: That the Clerk of the House of Representatives be directed to provide four enrolled copies of this resolution to Representative Jerry Henry.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Shultz, the House nonconcurred in Senate amendments to **HB 2052** and asked for a conference.

Speaker pro tem Siegfried thereupon appointed Reps. Shultz, Peck and Dillmore as conferees on the part of the House.

REPORT ON ENGROSSED BILLS

HB 2197 reported correctly engrossed March 18, 2009.

On motion of Rep. Merrick, the House adjourned until 10:30 a.m., Friday, March 20, 2009.

Journal of the House

FORTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 20, 2009, 10:30 a.m.

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

The roll was called with 119 members present.

Rep. Ballard was excused on legislative business.

Reps. Aurand, Brookens, Garcia, Horst and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
From Atchison to Ulysses,
from Atwood to Parsons,
from Concordia to Wellington,
from Goodland to Overland Park.
Our representatives stand before us
working hard to make the decisions
on topics very close to our hearts.
The answers are not always very clear,
and not everyone likes the results.
But let it be known far and near,
in spite of any and all faults,
we appreciate their hard work
given unselfishly each and every day.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Rardin.

CORRECTION OF REFERENCE

Speaker O'Neal announced **HB 2388** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Economic Development and Tourism, should be corrected to be referred to Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **Sub. SB 214**; **SCR 1610**.

Federal and State Affairs: **HB 2389**; **SB 218**.

Health and Human Services: **HR 6019**.

Insurance: **HB 2390**.

Transportation: **SB 300**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2169** from Committee on Local Government and referral to Committee on Veterans, Military, and Homeland Security.

Also, the withdrawal of **HR 6015** from Committee on Agriculture and Natural Resources and rereferral to Committee on Federal and State Affairs.

Also, the withdrawal of **SB 225** from Committee on Education Budget and referral to Committee on Higher Education.

MESSAGES FROM THE GOVERNOR

HB 2023, HB 2045, HB 2068 approved on March 19, 2009.

MESSAGES FROM THE SENATE

Announcing passage of **SB 22, SB 93, SB 247, SB 293, SB 297, SB 306, SB 313**.

Announcing passage of **Sub. HB 2143; HB 2270, HB 2321**.

Announcing passage of **HB 2002**, as amended; **HB 2010**, as amended; **HB 2060**, as amended; **HB 2096**, as amended by **S. Sub. for HB 2096; HB 2131**, as amended; **HB 2134**, as amended.

The Senate nonconcur in House amendments to **SB 161**, requests a conference and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

Also, the Senate nonconcur in House amendments to **SB 11**, requests a conference and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 80**, requests a conference and has appointed Senators V. Schmidt, Apple and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 131**, requests a conference and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 145**, requests a conference and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 171**, requests a conference and has appointed Senators V. Schmidt, Apple and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2052** and has appointed Senators Teichman, Brownlee and Steinger 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 22, SB 93, SB 247, SB 293, SB 297, SB 306, SB 313.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 11**.

Speaker O'Neal thereupon appointed Reps. Huntington, Rhoades and Mah 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 80**.

Speaker O'Neal thereupon appointed Reps. Huebert, Schwab and Sawyer 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 131**.

Speaker O'Neal thereupon appointed Reps. Huntington, Rhoades and Mah 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 145**.

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 **SB 161**.

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 171**.

Speaker O'Neal thereupon appointed Reps. Huebert, Schwab and Sawyer as conferees on the part of the House.

CONSENT CALENDAR

No objection was made to **SB 1** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2310**, **HB 2366**; **SB 183** appearing on the Consent Calendar for the second day.

No objection was made to **SB 175** 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 175. An act concerning school districts; relating to the powers and duties thereof, 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: Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, 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, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Brookens, Garcia, Horst, Winn.

The bill passed.

HB 2295. An act concerning milk and dairy products; relating to labels for such products, was considered on final action.

On roll call, the vote was: Yeas 75; Nays 44; Present but not voting: 0; Absent or not voting: 6.

Yeas: Bethell, Bowers, A. Brown, Burgess, Carlin, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Fund, Furtado, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, Huebert, Jack, Johnson, Kerschen, King, Knox, Landwehr, Light, Lukert, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Sloan, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, Worley.

Nays: Benlon, T. Brown, Brunk, Burroughs, Colloton, Crow, Davis, Dillmore, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Henderson, M. Holmes, Huntington, Kelley, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Loganbill, Long, Mah, Menghini, Neighbor, Pauls, Peck, Peterson, Quigley, Rardin, Ruiz, Sawyer, Seiwert, Shultz, Siegfried, Slattery, Spalding, Svaty, Swenson, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Brookens, Garcia, Horst, Winn.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: While I appreciate the spirit behind Truth in Labeling, I cannot support the trend to squeeze out the small farmer/homesteader who is attempting to fill a niche market that the large farms can't address. Of particular note is the requirement that the disclaimer, however valid, be in a font of similar size and style as the claim concerning hormones. We don't even require that of the Surgeon General's warning on cigarettes, which appears in small type and usually not on the front of the pack. I believe this portion of the bill is overkill. I vote "no" on **HB 2295**.— MITCH HOLMES, S. MIKE KIEGERL, ARLEN SIEGFREID

SB 16, An act concerning the pharmacy act of the state of Kansas; declaring certain acts not to be in violation of said act; amending K.S.A. 65-1636 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: Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, 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, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Brookens, Garcia, Horst, Winn.

The bill passed.

SB 19, An act concerning crimes and punishment; relating to the criminal use of weapons; amending K.S.A. 21-4217 and 21-4218 and K.S.A. 2008 Supp. 21-4201 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 31; Present but not voting: 0; Absent or not voting: 6.

Yeas: Bethell, Bowers, A. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Crum, Davis, DeGraaf, Donohoe, Faber, Finney, Fund, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Mah, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rhoades, Roth, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Svaty, Swanson, Swenson, Tafanelli, Talia, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, Worley, Yoder.

Nays: Benlon, T. Brown, Carlin, Craft, Crow, Dillmore, Feuerborn, Flaharty, Frownfelter, Furtado, Hawk, Henderson, Huntington, Kuether, Lane, Loganbill, Long, Maloney, Menghini, Neighbor, Peterson, Pottorff, Quigley, Rardin, Ruiz, Slattery, Sloan, Spalding, Tietze, Trimmer, K. Wolf.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Brookens, Garcia, Horst, Winn.

The bill passed, as amended.

SB 38, An act concerning hospital districts; relating to the formation of a hospital district in Linn county, 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: Benlon, Bethell, Bowers, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, 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, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Brookens, Garcia, Horst, Winn.

The bill passed.

SB 85. An act concerning the secretary of state; relating to return of filings to corporations and limited partnerships; amending K.S.A. 17-6003, 17-7301, 17-7678 and 56-1a156 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: Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, 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, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Brookens, Garcia, Horst, Winn.

The bill passed, as amended.

SB 97. An act concerning the liquor enforcement tax; relating to violations by retailers; prescribing penalties therefor, 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: Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, 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, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Brookens, Garcia, Horst, 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 **HB 2353** be passed over and retain a place on the calendar.

Committee report to **SB 178** be adopted; and the bill be passed as amended.

Committee report to **SB 163** be adopted; and the bill be passed as amended.

On motion of Rep. M. Holmes to amend **SB 228**, the motion was withdrawn, and the bill be passed.

Committee report to **SB 72** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Aging and Long Term Care** recommends **SB 31** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 31," as follows:

"HOUSE Substitute for SENATE BILL No. 31
By Committee on Aging and Long-term Care

"AN ACT concerning the state long-term care ombudsman; defining terms; establishing advisory committee on advocacy options within the home; amending K.S.A. 2008 Supp. 75-7303 and repealing the existing section."; and the substitute bill be passed.

(**H. Sub. for SB 31** was thereupon introduced and read by title.)

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 crimes and punishment; relating to mistreatment of a dependent adult; amending K.S.A. 21-3437 and repealing the existing section."; and the substitute bill be passed.

(**H. Sub. for SB 43** was thereupon introduced and read by title.)

Committee on **Agriculture and Natural Resources** recommends **SB 51** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 51," as follows:

"HOUSE Substitute for SENATE BILL No. 51
By Committee on Agriculture and Natural Resources

"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. 2008 Supp. 25-432 and repealing the existing sections.";

and the substitute bill be passed.

(**H. Sub. for SB 51** was thereupon introduced and read by title.)

Committee on **Agriculture and Natural Resources** recommends **SB 204** be amended on page 1, by striking all in lines 15 through 43;

On page 2, by striking all in lines 1 through 15 and inserting the following:

"Section 1. Except as provided in this section no land shall be annexed pursuant to subsections (a)(1), (4), (5) and (6) of K.S.A. 12-520, and amendments thereto, unless the board of county commissioners determines by resolution adopted within 30 days following the conclusion of the hearing on the proposed annexation that the proposed annexation will not have an adverse effect on such county. The board of county commissioners shall deliver a copy of such resolution to the city. If the board of county commissioners fails to adopt such a resolution within the 30-day period, the annexation shall be deemed to have been approved by the board of county commissioners.";

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking all after “concerning”; by striking all in lines 10 and 11; in line 12, by striking all before the period and inserting “cities; relating to annexation”; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **SB 253** be amended on page 4, after line 25, by inserting the following:

“Sec. 3. K.S.A. 19-2960 is hereby amended to read as follows: 19-2960. (a) The board of county commissioners, by resolution, may provide for the adoption or amendment of zoning regulations for the unincorporated portion of the county in the manner, and for the purposes, provided by this act. Such regulations may (1) restrict and regulate the height, number of stories and size of buildings; (2) the percentage of lots that may be occupied; (3) the size of yards, courts and other open spaces; (4) the density of population, including minimum width, depth and area of lots; (5) the location and use of buildings, structures and land for industry, business, trade or residence; and (6) the use of land located in areas designated as flood-plains. Such resolution shall define the boundaries of zoning classifications by description contained therein or by setting out such boundaries upon a map incorporated and published as a part of such resolution, or by providing for the incorporation by reference in such resolution of an official map upon which such boundaries shall be fixed. Such map shall be marked “official copy incorporated by resolution of the board of county commissioners the _____ day of _____, 19____,” and filed in a public office designated by the board of county commissioners and shall be a public record.

(b) *Except as provided in subsection (c)*, before the board of county commissioners creates any zone, district or zoning classification or regulates or restricts the use of buildings or land in the unincorporated portion of the county, the board shall require the planning commission to recommend to the board of county commissioners the nature and number of zoning classifications which the planning commission deems necessary, the boundaries of the same and appropriate regulations or restrictions to be enforced therein. All such regulations shall be uniform for each class or kind of buildings or land uses throughout each zoning classification, but the regulations in one zoning classification may differ from those in other zoning classifications, and the regulations may prescribe conditions under which conditional use permits may be issued providing exceptions to such uniform regulations. The issuance of any conditional use permit shall be considered a change or revision to the zoning map and shall be subject to the same notice, hearing and voting requirements prescribed herein for rezonings. The regulations shall be made in accordance with a land use plan and, in addition to the purposes provided in K.S.A. 19-2956, shall be designed to (1) lessen congestion in each district; (2) provide adequate light and air; (3) prevent the overcrowding of land; (4) avoid undue concentrations of population; and (5) to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to existing conditions, to the character of the district, its peculiar suitability for particular uses and with a view to conserving the values of buildings and encouraging the most appropriate use of land within the county.

The notice, hearing and voting procedures for adoption of the zoning regulations shall be the same as that required for adoption of the comprehensive plan as provided by K.S.A. 19-2958.

After adoption of the zoning resolution, the zoning regulations, the zoning classifications or the boundaries contained therein may from time to time be supplemented, changed or generally revised by amendment. The boundaries on the zoning map may from time to time be changed or revised by a rezoning or conditional use permit. A proposal for an amendment, rezoning or conditional use permit may be initiated by the board of county commissioners, the planning commission, any zoning board or upon application of the owner of property affected.

The board of county commissioners may establish reasonable fees to be paid in advance by the owner of any property at the time of making application for any amendment, rezoning or conditional use permit.

All such proposed amendments, rezonings or conditional use permits first shall be submitted to either the planning commission for recommendation regarding amendments or the appropriate zoning board for recommendation regarding rezonings or conditional use

permits. All notice, hearing and voting procedures for consideration of proposed amendments, rezonings and conditional use permits shall be the same as that required for amendments, extensions or additions to the comprehensive plan as provided by K.S.A. 19-2958. Rezonings and conditional use permits shall be designated by legal description and general street location and, in addition to publication notice, written notice of such proposed rezoning or conditional use permit shall be mailed to all owners of record of lands located within 1,000 feet of the property affected by such rezoning or conditional use permit and an opportunity granted to interested parties to be heard, all as provided in the zoning regulations. Failure to receive such notice shall not invalidate any subsequent action taken.

On hearings concerning rezonings and conditional use permits, such notice is sufficient to permit the zoning board to make a recommendation which affects only a portion of the land described in the notice or which gives all or any part of the land described a zoning classification of lesser change than that set forth in the notice. Recommending a zoning classification of lesser change than that set forth in the notice shall not be valid without republication, remailing and a new public hearing unless the planning commission shall have previously established, with the approval of the board of county commissioners, a table or publication available to the public which designates what zoning classifications are lesser changes authorized within the adopted zoning resolution.

If such amendment, rezoning or conditional use permit affects the boundaries of any zoning classification, the resolution of the board of county commissioners shall describe the boundaries, as amended, or if the county has made provision for the fixing of the same upon an official map which has been incorporated by reference, the amending resolution shall define the change or the boundary, as amended, shall order the official map to be changed to reflect such amendment and shall reincorporate such map as amended.

Regardless whether a zoning board recommends to approve or disapprove a proposed rezoning or conditional use permit or "fails to recommend" if a protest against such rezoning or conditional use permit is filed in the office of the county clerk within 14 days after the date of the conclusion of the public hearing held pursuant to such publication notice, duly signed and acknowledged by the owners of 20% or more of any real property subject to the rezoning or conditional use permit or by the owners of 20% of the total area, except public streets and ways, located within 1,000 feet of the boundaries of the property subject to the rezoning or conditional use permit, the resolution adopting such rezoning or conditional use permit shall not be passed except by a favorable vote of at least $\frac{1}{3}$ of all of the members of the board of county commissioners.

(c) *A resolution adopting rezoning or a conditional use permit for mining operations subject to K.S.A. 49-601 et seq., and amendments thereto, regardless of a protest petition or a failure to recommend by the planning commission, shall only require approval by a majority of all members of the board of county commissioners.*

(d) Regulations adopted under authority of this act shall not apply to the existing use of any buildings or land and shall not prevent the restoration of a building damaged not more than 50% of its assessed valuation by fire, explosion, act of God, or the public enemy, or prevent the continuance of the use of such building or part thereof as such use existed at the time of such damage, but shall apply to any alteration, expansion or enlargement of a building or alteration of any land after the effective date of any such zoning resolution. No determination nor rule nor regulation shall be held to apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon for such purposes so long as such land and buildings erected thereon are used for agricultural purposes and not otherwise.

No zoning regulations shall apply to the use of land for agricultural purposes nor for the erection or maintenance of agricultural buildings as long as such agricultural buildings are used for agricultural purposes and no other. Dwellings, garages and other similar accessory buildings shall not be considered as agricultural buildings. All buildings, including agricultural buildings, may be regulated as to setback requirements from public roads so as to protect the future use and improvement of such roads.

(~~b~~) (e) Whenever the board of county commissioners has adopted, as a part of the comprehensive plan, a plan for its present or future street or highway system and such plan outlines the intentions of the county for improvements to existing streets or highways, for

constructing new streets or highways or for establishing right-of-way needs for streets or highways, the board of county commissioners is hereby authorized, by resolution, to establish, further regulate and limit, and to change and amend, additional building or setback lines on such present or future streets or highways. The board of county commissioners is also authorized to prohibit any new building being located within such building or setback line outside the corporate limits of any city. The resolution may be adopted, and amended or changed, as a part of the zoning regulations.”;

And by renumbering the remaining sections accordingly;

Also on page 4, in line 26, by striking “is” and inserting “and 19-2960 are”;

On page 1, in the title, in line 10, after the semicolon, by inserting “relating to counties declared urban areas.”; also in line 10, after “12-757” by inserting “and 19-2960”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **SB 254** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 254,” as follows:

“HOUSE Substitute for SENATE BILL No. 254

By Committee on Agriculture and Natural Resources

“AN ACT relating to annexation; amending K.S.A. 2008 Supp. 12-520 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 254** was thereupon introduced and read by title.)

Agriculture and Natural Resources Budget Committee recommends **HB 2383** be amended on page 2, in line 6, after “or” by inserting “civil”;

On page 3, in line 33, after “and” by inserting “civil”;

On page 5, in line 42, after “or” by inserting “civil”;

On page 6, in line 42, after “or” by inserting “civil”;

On page 7, by striking all in lines 5 through 13;

And by renumbering the remaining sections accordingly;

Also on page 7, in line 15, by striking the comma where it appears the first time and inserting “and”; also in line 15, by striking “and 82a-952”;

In the title, in line 10, by striking the comma where it appears the second time and inserting “and”; also in line 10, by striking “and 82a-952”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 212** be amended on page 3, after line 2, by inserting:

“(j) If any provision of this section is determined by a court to be invalid or unconstitutional, this section is repealed in accordance with the intent of the legislature to enhance strict regulatory control over taxation of alcoholic liquor and over distribution and sale of wine by licensed persons or entities having a substantial presence in Kansas.

New Sec. 2. (a) Notwithstanding any other provisions of the Kansas liquor control act, the club and drinking establishment act or the Kansas cereal malt beverage act, any person who is licensed to sell wine pursuant to K.S.A. 41-308a, and amendments thereto, may apply to the director for an annual bona fide farmers’ market sales permit. Such permit shall authorize the licensee, a member of the licensee’s family or an employee of the licensee to sell wine in the original unopened container produced and bottled by the licensee at a bona fide farmers’ market located at a site approved by the director.

(b) Permits issued under this section shall be valid for one year from the date of issuance. A licensee shall not hold more than one bona fide farmers’ market sales permit at any one time.

(c) The licensee may only sell wine at a single bona fide farmers’ market on one day of the week. The location of the bona fide farmers’ market shall be specified in the application submitted to the director. The director shall notify the city, county and applicable law enforcement agency where the bona fide farmers’ market is to be held and of the issuance of a permit under this section for the sale of wine at such bona fide farmers’ market.

(d) For the purposes of this section, “bona fide farmers’ market” means any location held out to be a farmers’ market that is subject to inspection by the department of agriculture.

(e) The secretary may adopt rules and regulations as necessary to implement the provisions of this section.

(f) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 3. K.S.A. 41-305 is hereby amended to read as follows: 41-305. A manufacturer's license shall allow the manufacture and storage of alcoholic liquor and cereal malt beverage and the sale of alcoholic liquor and cereal malt beverage to distributors and nonbeverage users licensed in this state and to such persons outside this state as permitted by law. *A person holding a farm winery license issued pursuant to K.S.A. 41-308a, and amendments thereto, may also be issued a manufacturer's license; provided, that no alcoholic liquor or cereal malt beverage manufactured by such farm winery licensee shall be sold by such farm winery licensee at its licensed premises or at any of such licensee's winery outlets.*

Sec. 4. K.S.A. 2008 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. 2008 Supp. 41-348, 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; ~~and~~

(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.

(j) *If any provision of this section, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions of this section shall be construed to further limit rather than to expand commerce in alcoholic liquor and to enhance strict regulatory control over taxation, distribution and sale of wine through the three-tier regulatory system imposed by the Kansas liquor control act upon all alcoholic liquor and cereal malt beverages.*

Sec. 5. K.S.A. 2008 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. Each application shall be accompanied by a state registration 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) Every applicant for a manufacturer's, distributor's, nonbeverage user's, microbrewery, farm winery or retailer's 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; ~~and~~

(6) for a microbrewery or a farm winery, \$2,000; *and*

(7) *for a winery holding a special order shipping license, \$750, unless the winery has already complied with subsection (b)(6).*

If a distributor holds or applies for more than one distributor's license, only one bond for all such licenses shall be required, which bond shall be in an amount equal to the highest applicable bond.

(c) 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, fines and forfeitures which may be assessed against the licensee.;

And by renumbering sections accordingly;

Also on page 3, in line 3, after "K.S.A." by inserting "41-305 and K.S.A.;" also in line 3, after "Supp." by inserting "41-308a, 41-317.;"

In the title, in line 11, after the semicolon, by inserting "amending K.S.A. 41-305 and K.S.A. 2008 Supp. 41-308a and 41-317 and repealing the existing sections; also"; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 105** be passed.

Committee on **Insurance** recommends **HB 2075** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2075," as follows:

"Substitute for HOUSE BILL No. 2075

By Committee on Insurance

"AN ACT relating to the Kansas health policy authority; providing for a study of colorectal cancer screening insurance coverage.;" and the substitute bill be passed.

(**Sub. HB 2075** was thereupon introduced and read by title.)

Committee on **Insurance** recommends **SB 126** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 126," as follows:

"HOUSE Substitute for SENATE BILL No. 126

By Committee on Insurance

"AN ACT concerning insurance; enacting the controlled insurance programs act.;" and the substitute bill be passed.

(**H. Sub. for SB 126** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 95** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 95," as follows:

"HOUSE Substitute for SENATE BILL No. 95

By Committee on Judiciary

"AN ACT concerning crimes and punishment; relating to driving under the influence; amending K.S.A. 2008 Supp. 8-1001, 8-1012, 8-1014 and 8-1015 and repealing the existing sections.;"

and the substitute bill be passed.

(**H. Sub. for SB 95** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 154** be amended on page 1, after line 23, by inserting the following:

"(b) *Infectious diseases.* When any person is restrained because of an alleged infectious or communicable disease, the judge may appoint at least one competent physician to make an examination of such person and report findings to the judge.;"

And by relettering the remaining subsections accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 158** be amended on page 2, in line 3, before “In” by inserting “(A)”; in line 4, after “request” by inserting “for restricted driving privileges”; also in line 4, after “a” where it appears for the last time, by inserting “non-refundable”; in line 6, by striking “restrictive” and inserting “restricted”; in line 7, after the period, by inserting: “The division shall remit all restricted driving privilege application fees 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 division of vehicles operating fund.

(B)”;

Also on page 2, in line 21, by striking “(1)” and inserting “(i)”; in line 22, by striking “(2)” and inserting “(ii)”; in line 23, by striking “(3)” and inserting “(iii)”; also in line 23, by striking “(4)” and inserting “(iv)”; in line 34, by striking “license” and inserting “driving privilege application”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 237** be amended on page 1, after line 14, by inserting the following:

“Section 1. K.S.A. 21-3826 is hereby amended to read as follows: 21-3826. (a) Traffic in contraband in a correctional institution *or care and treatment facility* is introducing or attempting to introduce into or upon the grounds of any correctional institution *or care and treatment facility* or taking, sending, attempting to take or attempting to send from any correctional institution *or care and treatment facility* or any unauthorized possession while in any correctional institution *or care and treatment facility* or distributing within any correctional institution *or care and treatment facility*, any item without the consent of the administrator of the correctional institution *or care and treatment facility*.

(b) For purposes of this section: :

(1) “Correctional institution” means any state correctional institution or facility, conservation camp, ~~state security hospital~~, juvenile correctional facility, community correction center or facility for detention or confinement, juvenile detention facility or jail.

(2) “*Care and treatment facility*” means the state security hospital provided for under K.S.A. 76-1305 *et seq.*, and amendments thereto, and a facility operated by the department of social and rehabilitation services for the purposes provided for under K.S.A. 59-29a02 *et seq.*, and amendments thereto.

(c) (1) Traffic in contraband in a correctional institution *or care and treatment facility* of firearms, ammunition, explosives or a controlled substance which is defined in subsection (e) of K.S.A. 65-4101, and amendments thereto, is a severity level 5, nonperson felony. *This paragraph shall not apply to the possession of a firearm or ammunition by a person licensed under the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, in a parking lot open to the public if the firearm or ammunition is carried on the person while in a vehicle or while securing the firearm or ammunition in the vehicle, or stored out of plain view in a locked but unoccupied vehicle.*

(2) Traffic in any contraband, as defined by rules and regulations adopted by the secretary, in a correctional institution by an employee of a correctional institution is a severity level 5, nonperson felony.

(3) *Traffic in any contraband, as defined by rules and regulations adopted by the secretary of social and rehabilitation services, in a care and treatment facility by an employee of a care and treatment facility is a severity level 5, nonperson felony.*

(d) Except as provided in subsection (c), traffic in contraband in a correctional institution *or care and treatment facility* is a severity level 6, nonperson felony.”;

And by renumbering the remaining sections accordingly;

On page 2, in line 4, by striking “motor”; also in line 4, after “vehicle” where it appears for the second time, by inserting “not requiring a title as provided in chapter 8 of the Kansas Statutes Annotated, and amendments thereto”; in line 5, by striking “convenience” and inserting “conveyance”; in line 14, by striking “either”; in line 18, after “unit” by inserting “; or any other vehicle part”; in line 20, by striking “(e)” and inserting “(d)”;

On page 3, in line 3, by striking the comma where it appears the fourth time; in line 5, by striking the comma; in line 23, after the semicolon by inserting “and”; in line 25, by striking “; and” and inserting a period;

On page 5, in line 8, by striking “scrap”; also in line 8, by striking “property”; in line 28, by striking all after the stricken period; by striking all in line 29; in line 30, by striking all before the period and inserting “for which the minimum fine is \$200”; by striking all in lines 34 and 35; in line 36, by striking all before the period and inserting “for which the minimum fine is \$500”; in line 40, by striking all after “misdemeanor”; by striking all in line 41; in line 42, by striking all before the period and inserting “for which the minimum fine is \$1,000”; in line 43, after “Sec. 5.” by inserting “K.S.A. 21-3826 and”;

In the title, in line 10, by striking “scrap metal; relating to regulation thereof” and inserting “crimes, punishment and criminal procedure”; in line 11, after “ing” by inserting “K.S.A. 21-3826 and”; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2253** be amended on page 2, in line 31, by striking “The” and inserting “Upon written request, the”; after line 33, by inserting:

“(h) The board of directors shall cause an annual audit of the homeowners’ association’s receipts and expenditures to be made by a certified public accountant. Such audit shall be based upon the expenditures and receipts occurring during a calendar year or the homeowners’ association tax year if different from a calendar year and shall be made at the expense of the homeowners’ association. A copy of such audit shall be made available to any member of the homeowners’ association upon receipt of a written request from such member. The homeowners’ association shall also file a copy of such audit with the attorney general within 30 days after receipt thereof.”;

On page 3, after line 6, by inserting:

“Sec. 4. Each resident shall have the right to attend any regular or special meeting of the board of directors of the homeowners’ association or any regular or special meeting of the homeowners’ association. At any such meeting, the resident shall be entitled to speak on any issue discussed at such meeting regardless of whether or not such resident’s dues or assessments are delinquent at the time of such meeting.”;

And by renumbering sections accordingly;

Also on page 3, in line 11, by striking “shall” and inserting “may”; and the bill be passed as amended.

Committee on **Taxation** recommends **SB 78** be passed.

Committee on **Taxation** recommends **HB 2328** be amended on page 32, in line 19, by striking “2009” and inserting “2011”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2382** be amended on page 3, following line 1, by inserting the following:

“(h) Contingent on the findings of the Amtrak feasibility study, the transportation program may develop a passenger rail program to provide passenger service in the state.”;

And by relettering subsections accordingly; 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. 73, by Representative D. Gatewood, congratulating Knut and Barbara Farstvedt on their 40th Wedding Anniversary;

Request No. 74, by Representative Prescott, congratulating Meredith Foulke as winner of The Topeka Capital-Journal Regional Spelling Bee;

Request No. 75, by Representative Bowers, congratulating Ray Harlow on receiving Volunteer of the Year Award sponsored by Lincoln County Emergency Management;

Request No. 76, by Representative Crum, commending Garrett Buthe on being chosen Muscular Dystrophy Association’s 2009 Goodwill Ambassador;

Request No. 77, by Representative Worley, congratulating Patrick Tyler Connell in recognition of achieving the rank of Eagle Scout;

Request No. 78, by Representative Neighbor, commending the Bluejacket-Flint Elementary School on receiving the 2009 “Rita Blitt Kindest School Award”;

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 2391, An act concerning the personal and family protection act; amending K.S.A. 2008 Supp. 75-7c10 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2392, An act concerning contracts; relating to requests for proposals issued by state agencies, by Committee on Federal and State Affairs.

HB 2393, An act concerning civil procedure; relating to civil court records; expungement thereof, by Committee on Taxation.

REPORT ON ENGROSSED BILLS

HB 2295 reported correctly engrossed March 19, 2009.

REPORT ON ENROLLED BILLS

HB 2003, HB 2007, HB 2157, HB 2188, HB 2207, HB 2232; Sub. HB 2339 reported correctly enrolled, properly signed and presented to the governor on March 20, 2009.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Monday, March 23, 2009.

Journal of the House

FORTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 23, 2009, 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.
Reps. Olson and Swenson were excused on excused absence by the Speaker.
Present later: Rep. Olson.

Prayer by guest chaplain, the Rev. Barry Nelson, pastor, Living Cornerstone Fellowship Church, Delphos, and guest of Rep. Bowers:

Rev. Nelson read an address by Benjamin Franklin to the Constitutional Congress of 1787.

"I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth, that God governs the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, sir, in the sacred writings, that 'except the Lord build the house, they labor in vain that build it.' I firmly believe that, without His concurring aid, we shall succeed in this political building no better than the builders of Babel; we shall be divided by our little, partial, local interests, our projects will be confounded and we ourselves shall become a reproach and a byword down to future ages. And, what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing government by human wisdom and leave it to chance, war and conquest. . . ." (Benjamin Franklin, "Motion for Prayers in the Convention," *The Works of Benjamin Franklin*, Federal edition, Vol. II. ed. John Bigelow, pp 377-378)

Heavenly Father, I come to you today to pray for this session of the Kansas Legislature, according to Paul's writing to Timothy in 1 Timothy 2:1-2.

I urge, then, first of all, that requests, prayers, intercession and thanksgiving be made for everyone—for kings and all those in authority, that we may live peaceful and quiet lives in all godliness and holiness. (NIV)

These men and women have been placed in authority over the great State of Kansas not only by the citizens of Kansas but by you Lord, as your Word tells us in Romans 13:1.

Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. (NIV)

The founders of this great country had a holy awe of this responsibility that you placed in their hands and did everything in their power to govern, not only from the authority of the people but under your direction which was their sacred duty.

Today Father, I pray for this body to come together not as Republicans, Democrats or Independents but as men and women under the direction of the Almighty God, by taking their place, as it should be, under your mighty and powerful hand.

I also pray that you would teach each member of this body the way to proceed and to light the path so they can see clearly the direction you would desire this state to go.

This great State of Kansas has been created in the heart of the United States geographically but by this body listening and obeying your leading and guiding, it will also become the heart of this great nation spiritually.

Let it be said of this governing body like it was said of Queen Esther, “You have come into the Kingdom for such a time as this.”

As these men and women submit themselves to your glorious plan for the State of Kansas, give them the assurance and confident expectation that this state will walk in the blessings of God, they are not leaning on their own understanding but listening and obeying your will for the state because your blessings always follow obedience to your plan.

God bless the State of Kansas and God bless this United States of America.
In Jesus’ name—Amen.

The Pledge of Allegiance was led by Rep. Bowers.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5018—

By Representatives O’Neal and Davis

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for periods during the 2009 regular session of the legislature.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the house of representatives shall adjourn at the close of business of the daily session convened on March 24, 2009, or at the close of business of the daily session convened on March 25, 2009, and the senate shall adjourn at the close of business of the daily session convened on March 24, 2009, or at the close of business of the daily session convened on March 25, 2009, and both houses of the legislature shall reconvene on March 30, 2009, the house of representatives at 9:00 a. m. and the senate at 10:00 a.m.; and

Be it further resolved: That the legislature shall adjourn at the close of business of the daily session convened on April 3, 2009, or at the close of business of the daily session convened on April 4, 2009, and shall reconvene at 10:00 a.m. on April 29, 2009; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during 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, 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.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 22**, **SB 313**.

Elections: **SB 297**.

Federal and State Affairs: **HB 2391; SB 247, SB 306.**
 Judiciary: **HB 2392, HB 2393; SB 93.**
 Transportation: **SB 293.**

MESSAGE FROM THE SENATE

Announcing passage of **SB 75, SB 205, SB 255, SB 269, SB 274, SB 285, SB 299, SB 302, SB 307, SB 310.**

Announcing passage of **HB 2236, HB 2297, HB 2311.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 75, SB 205, SB 255, SB 269, SB 274, SB 285, SB 299, SB 302, SB 307, SB 310.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Rhoades, **HR 6021**, by Reps. Rhoades and Flaharty, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6021—

A RESOLUTION recognizing March 24 as American Diabetes Association Alert Day in Kansas and endorsing the State Diabetes Plan for Kansas.

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 outcome and high costs; and

WHEREAS, More than 150,000 Kansans have been diagnosed with diabetes and over 90% of those have Type II 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, The Kansas health community has come together to form the Kansas Diabetes Advisory 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 to influence public policy to support improving diabetes prevention, detection and care throughout Kansas: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize that March 24 is American Diabetes Association Alert Day in Kansas and that we endorse the State Diabetes Plan for Kansas; and

Be it further resolved: That we direct the Diabetes Advisory Council to submit a status report to the Kansas Legislature in 2010 on the progression of the Kansas Diabetes Plan; 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 Diabetes Advisory Council.

CONSENT CALENDAR

Objection was made to **SB 183** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 1** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2310, HB 2366** 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 2310. An act concerning the long-term care partnership program; allowing the exchange of certain long-term care policies or certificates; amending K.S.A. 2008 Supp. 40-2136 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 1; Absent or not voting: 2.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: Landwehr.

Absent or not voting: Olson, Swenson.

The bill passed.

HB 2366. An act concerning all-inclusive care for the elderly (PACE) program; amending K.S.A. 65-5112 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

The bill passed.

SB 72. An act concerning credit unions; pertaining to membership of a credit union; amending K.S.A. 2008 Supp. 17-2205 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

The bill passed, as amended.

SB 163. An act amending the consumer protection act; amending K.S.A. 50-624 and 50-626 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

The bill passed, as amended.

SB 178. An act concerning amusement rides; amending K.S.A. 2008 Supp. 44-1601 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 24; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Fund, Furtado, Garcia, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Maloney, Mast, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rardin, Rhoades, Roth, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: T. Brown, Burroughs, Carlin, Colloton, Crow, Dillmore, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Henderson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Neighbor, Peterson, Quigley, Ruiz, Slattery, Sloan, Ward, Winn.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

The bill passed, as amended.

SB 228. An act concerning property tax; relating to exemptions; pertaining to motor vehicles leased for a period of at least one year and used for certain exempt purposes; amending K.S.A. 2008 Supp. 79-201 and 79-201a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 15; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, 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, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Navinsky, Neighbor, Neufeld, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Brookens, Burroughs, Colloton, DeGraaf, Hayzlett, Huebert, Huntington, Kelley, Landwehr, Myers, O'Brien, Schroeder, Schwartz, Whitham.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

The bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Landwehr, the House nonconcurred in Senate amendments to **HB 2010** 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 **HB 2060** 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. Colloton, the House nonconcurred in Senate amendments to **S. Sub. for HB 2096** 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. Colloton, the House concurred in Senate amendments to **HB 2098**. An act concerning crimes, punishment and criminal procedure; relating to sexual offenses; electronic solicitation; evidence in certain prosecutions; aggravated habitual sex offenders; amending K.S.A. 21-3523, 21-3525 and 21-4642 and repealing the existing sections.

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

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to **HB 2131** 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 **HB 2134** 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. A. Brown, the House concurred in Senate amendments to **HB 2185**, An act relating to public moneys; concerning reciprocal deposit programs; amending K.S.A. 9-1407 and K.S.A. 2008 Supp. 12-1675 and 75-4237 and repealing the existing sections.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, 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, 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, Huntington, Jack, Johnson, Kelley, 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, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

On motion of Rep. Colloton, the House concurred in Senate amendments to **HB 2233**, An act concerning criminal procedure; relating to withdrawal of guilty pleas; jury selection; alternate or additional jurors; appeals; release or discharge of defendant; amending K.S.A. 22-3210, 22- 3412 and 22-3604 and repealing the existing sections.

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

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. McLeland in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. McLeland, Committee of the Whole report, as follows, was adopted: Recommended that on motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 1704 be suspended for the purpose of allowing Reps. Yoder, Watkins and Feuerborn to speak more than once on **HB 2369**. The motion prevailed.

Committee report to **HB 2369** be adopted; and the bill be passed as amended.

On motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 1704 be suspended for the purpose of allowing Reps. Yoder, Watkins and Feuerborn to speak more than once on **HB 2373**. The motion prevailed.

Committee report to **HB 2373** be adopted; also, on motion of Rep. Yoder to amend, the motion was withdrawn.

Also, roll call was demanded on motion of Rep. Quigley to amend **HB 2373** on page 119, in line 34, by adding \$1,200,000 to the dollar amount and adjusting the dollar amount in line 34 accordingly;

On roll call, the vote was: Yeas 75; Nays 48; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, 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, Hermanson, Hill, Hineman, Horst, Huntington, Jack, Johnson, King, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, O'Brien, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Swanson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, Bowers, A. Brown, Brunk, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Neal, Patton, Peck, Powell, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

The motion of Rep. Quigley prevailed.

Also, on motion of Rep. Hayzlett to amend **HB 2373**, the motion did not prevail.

Rose and reported progress.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SCR 1610** be adopted.

Committee on **Corrections and Juvenile Justice** recommends **HB 2235** be amended on page 1, in line 14, after "(a)" by inserting "(1)"; in line 15, by striking all after "stop"; in line 16, by striking "to elude" and inserting "for"; after line 22, by inserting the following: "(2) Any driver of a motor vehicle who willfully otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or (3).

(3) It shall be an affirmative defense to any prosecution under paragraph (1) of this subsection that the driver's conduct in violation of such paragraph was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.;"

Also on page 1, in line 23, by striking "who violates the provisions of subsection (a)" and inserting "of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop.;"

On page 2, after line 24, by inserting the following:

"Sec. 2. K.S.A. 21-3419 is hereby amended to read as follows: 21-3419. (a) A criminal threat is any threat to:

(1) Commit violence communicated with intent to terrorize another, or to cause the evacuation, *lock down or disruption in regular, ongoing activities* of any building, place of assembly or facility of transportation, or in reckless disregard of the risk of causing such terror or evacuation, *lock down or disruption in regular, ongoing activities*;

(2) adulterate or contaminate any food, raw agricultural commodity, beverage, drug, animal feed, plant or public water supply; or

(3) expose any animal in this state to any contagious or infectious disease.

(b) A criminal threat is a severity level 9, person felony.

(c) As used in this section, "threat" includes any statement that one has committed any action described by subsection (a)(1) or (2).

Sec. 3. K.S.A. 2008 Supp. 21-3419a is hereby amended to read as follows: 21-3419a. (a) Aggravated criminal threat is the commission of one or more crimes of criminal threat, as defined in K.S.A. 21-3419 and amendments thereto, when a public, commercial or industrial building, place of assembly or facility of transportation is evacuated *locked down or disrupted as to regular, ongoing activities* as a result of the threat or threats.

(b) Aggravated criminal threat is a severity level 5, person felony.

Sec. 4. K.S.A. 2008 Supp. 21-4714 is hereby amended to read as follows: 21-4714. (a) The court shall order the preparation of the presentence investigation report by the court services officer as soon as possible after conviction of the defendant.

(b) Each presentence report prepared for an offender to be sentenced for one or more felonies committed on or after July 1, 1993, shall be limited to the following information:

(1) A summary of the factual circumstances of the crime or crimes of conviction.

(2) If the defendant desires to do so, a summary of the defendant's version of the crime.

(3) When there is an identifiable victim, a victim report. The person preparing the victim report shall submit the report to the victim and request that the information be returned to be submitted as a part of the presentence investigation. To the extent possible, the report shall include a complete listing of restitution for damages suffered by the victim.

(4) An appropriate classification of each crime of conviction on the crime severity scale.

(5) A listing of prior adult convictions or juvenile adjudications for felony or misdemeanor crimes or violations of county resolutions or city ordinances comparable to any misdemeanor defined by state law. Such listing shall include an assessment of the appropriate classification of the criminal history on the criminal history scale and the source of information regarding each listed prior conviction and any available source of journal entries or other documents through which the listed convictions may be verified. If any such journal entries or other documents are obtained by the court services officer, they shall be attached to the presentence investigation report. Any prior criminal history worksheets of the defendant shall also be attached.

(6) A proposed grid block classification for each crime, or crimes of conviction and the presumptive sentence for each crime, or crimes of conviction.

(7) If the proposed grid block classification is a grid block which presumes imprisonment, the presumptive prison term range and the presumptive duration of postprison supervision as it relates to the crime severity scale.

(8) If the proposed grid block classification does not presume prison, the presumptive prison term range and the presumptive duration of the nonprison sanction as it relates to the crime severity scale and the court services officer's professional assessment as to recommendations for conditions to be mandated as part of the nonprison sanction.

(9) For defendants who are being sentenced for a conviction of a felony violation of K.S.A. 65-4160 or 65-4162, and amendments thereto, and meet the requirements of K.S.A. 21-4729, and amendments thereto, the drug abuse assessment as provided in K.S.A. 21-4729, and amendments thereto.

(10) For defendants who are being sentenced for a third or subsequent felony conviction of a violation of K.S.A. 65-4160 or 65-4162, and amendments thereto, the drug abuse assessment as provided in K.S.A. 21-4729, and amendments thereto.

(c) The presentence report will become part of the court record and shall be accessible to the public, except that the official version, defendant's version and the victim's statement, any psychological reports, risk and needs assessments and drug and alcohol reports and assessments shall be accessible only to the parties, the sentencing judge, the department of

corrections, and if requested, the Kansas sentencing commission. If the offender is committed to the custody of the secretary of corrections, the report shall be sent to the secretary and, in accordance with K.S.A. 75-5220 and amendments thereto to the warden of the state correctional institution to which the defendant is conveyed.

(d) The criminal history worksheet will not substitute as a presentence report.

(e) The presentence report will not include optional report components, which would be subject to the discretion of the sentencing court in each district except for psychological reports and drug and alcohol reports.

(f) *Except as provided in K.S.A. 21-4715, and amendments thereto*, the court can take judicial notice in a subsequent felony proceeding of an earlier presentence report criminal history worksheet prepared for a prior sentencing of the defendant for a felony committed on or after July 1, 1993.

(g) All presentence reports in any case in which the defendant has been convicted of a felony shall be on a form approved by the Kansas sentencing commission.

Sec. 5. K.S.A. 21-4715 is hereby amended to read as follows: 21-4715. (a) The offender's criminal history shall be admitted in open court by the offender or determined by a preponderance of the evidence at the sentencing hearing by the sentencing judge.

(b) Except to the extent disputed in accordance with subsection (c), the summary of the offender's criminal history prepared for the court by the state shall satisfy the state's burden of proof regarding an offender's criminal history.

(c) Upon receipt of the criminal history worksheet prepared for the court, the offender shall immediately notify the district attorney and the court with written notice of any error in the proposed criminal history worksheet. Such notice shall specify the exact nature of the alleged error. The state shall have the burden of producing further evidence to satisfy its burden of proof regarding any disputed part, or parts, of the criminal history and the sentencing judge shall allow the state reasonable time to produce such evidence to establish the disputed portion of the criminal history by a preponderance of the evidence. *If the offender later challenges such offender's criminal history, which has been previously established, the burden of proof shall shift to the offender to prove such offender's criminal history by a preponderance of the evidence.*”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 24, by striking “is” and inserting “, 21-3419 and 21-4715 and K.S.A. 2008 Supp. 21-3419a and 21-4714 are”;

In the title, in line 9, by striking all after “concerning”; in line 10, by striking all before the period and inserting “crimes, punishment and criminal procedure; relating to fleeing or eluding a police officer; criminal threat; aggravated criminal threat; presentence investigation report; criminal history; amending K.S.A. 8-1568, 21-3419 and 21-4715 and K.S.A. 2008 Supp. 21-3419a and 21-4714 and repealing the existing sections”; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2340** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2340,” as follows:

“Substitute for HOUSE BILL No. 2340

By Committee on Corrections and Juvenile Justice

“AN ACT concerning the parole board; relating to factors and rationale used to determine parole; amending K.S.A. 2008 Supp. 22-3717 and 75-4319 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2340** 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 2394, An act concerning income taxation; relating to credits; expenditures to make facilities accessible to individuals with a disability; amending K.S.A. 79-32,176, 79-32,177 and 79-32,180 and repealing the existing sections, by Committee on Appropriations.

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **SB 34**.

The Senate concurs in House amendments to **SB 70**.

The Senate concurs in House amendments to **SB 132**.

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. Grange in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **HB 2373**. Also, on motion of Rep. Peck to amend, Rep. Feuerborn requested the question be divided. The request was subsequently withdrawn. The question reverted back to the motion of Rep. Peck to amend on page 262, following line 3, by inserting the following:

“Sec. 117. On July 1, 2009, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,129,390 from the public broadcasting council grants account of the state general fund of the department of administration to the community based services account of the state general fund of the department of social and rehabilitation services.”;

And by renumbering the remaining sections accordingly;

Roll call was demanded.

On roll call, the vote was: Yeas 42; Nays 74; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Otto, Patton, Peck, Powell, Rhoades, Siegfried, Vickrey, Watkins, Whitham, Yoder.

Nays: Ballard, Benlon, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Huntington, Johnson, Kleebe, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Palmer, Pauls, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Schroeder, Schwab, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Crow, Kelley, Lane, Neufeld, Olson, Peterson, Schwartz, Swenson.

The motion of Rep. Peck did not prevail.

Also, on motion of Rep. K. Wolf to amend **HB 2373**, the motion did not prevail. Also, on motion of Rep. Colloton to amend, the motion did not prevail.

Also, on motion of Rep. Otto, **HB 2373** be amended on page 260, following line 42, by inserting the following:

“Sec. 114. K.S.A. 2008 Supp. 46-137a is hereby amended to read as follows: 46-137a. In addition to the compensation provided for by K.S.A. 46-137b, 46-137e and 75-3212, and amendments thereto, each member of the legislature shall receive the following amounts:

(a) The sum of \$88.66 per calendar day for service at any regular or special session, except as otherwise provided in ~~subsection~~ *subsections (e) and (g)*;

(b) the sum of \$109 per calendar day for subsistence allowance for any regular or special session of the legislature, except that if the amounts allowable for the capital city of Kansas under applicable federal law and regulations to employees of the executive branch of the federal government for per diem expenses, while away from home but serving in the United States, are amounts which total greater than \$109, then each member of the legislature shall receive such greater total amount per calendar day for subsistence allowance for any regular or special session of the legislature;

(c) an allowance of \$354.15 for the two-week period which coincides with the biweekly payroll period which includes April 1st and for each of the 19 ensuing two-week periods thereafter, to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, except as otherwise provided in subsection (f);

(d) an allowance for mileage in an amount equal to the rate per mile prescribed under the provisions of K.S.A. 75-3203a, and amendments thereto, multiplied by the number of miles traveled by the usual route in going to and returning from the member's place of residence for any regular or special session of the legislature. Such mileage allowances shall be paid for not to exceed the equivalent of one trip for each full week occurring between convening and adjournment sine die in any regular or special session. The mileage allowance provided under the provisions of this subsection shall not be subject to the restrictions relating to the use of vehicles prescribed by K.S.A. 75-3203 and 75-3203a, and amendments thereto, but shall only be allowed for trips actually made. Compensation and subsistence allowance shall not be allowed under the provisions of subsections (a) and (b) of this section during any period in which the legislature is adjourned for more than two days, Sundays excepted; ~~and~~

(e) whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 2009, the rate of compensation per calendar day for members of the legislature for service at any regular or special session of the legislature shall be increased on the effective date of any such pay plan increase by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the rate of compensation per calendar day which is authorized by this section for service at any regular or special session of the legislature for the day upon which such increase is computed;

(f) whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 2009, the allowance provided for each member of the legislature by subsection (c) to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses for each of the two-week periods specified by subsection (c) shall be increased on the effective date of any such pay plan increase by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the allowance provided to defray such expenses for each such two-week period as provided by this section; *and*

(g) notwithstanding the provisions of subsections (a) and (e), the sum of \$79.80 per calendar day for service at any regular or special session between the effective date of this act and June 30, 2010.;

And by renumbering sections accordingly;

Also on page 260, in line 43, after "12-5256," by inserting "46-137a,,"

In the title, in line 17, after "12-5256," by inserting "46-137a,,"

Also, roll call was demanded on further motion of Rep. Otto to amend **HB 2373** on page 265, following line 11, by inserting the following:

"Sec. 127. (a) In order to address the shortage of funds for state government, the compensation of employees in the executive branch of state government shall be reduced for fiscal year 2010 as follows:

(1) For employees with annual compensation of \$100,000 or more, compensation shall be reduced by 10%;

(2) for employees with annual compensation of \$90,000 or more but less than \$100,000, compensation shall be reduced by 8%;

(3) for employees with annual compensation of \$80,000 or more but less than \$90,000 compensation shall be reduced by 6%;

(4) for employees with annual compensation of \$60,000 or more but less than \$80,000, compensation shall be reduced by 4%;

(5) for employees with annual compensation of \$50,000 or more but less than \$60,000, compensation shall be reduced by 2%.

(b) Group health care benefits and costs, sick and vacation leave and Kansas public employee retirement plans shall not be affected by the reduction of compensation provided by this section. The employing state agency shall pay the employee contributions for the Kansas public employee retirement payments attributable to the reduction in compensation provided by this section.

(c) The reduction in compensation provided by this section shall not be subject to the provisions of K.S.A. 75-4321 et seq. or 72-5413 et seq., and amendments thereto, to such sections.

(d) For fiscal year 2010, the provisions of this section shall be controlling over any statute affecting the compensation of executive branch employees. No state agency in the executive branch shall expend appropriations for fiscal year 2010 for compensation contrary to the provisions of this section.

(e) The provisions of this section shall not apply to any individual who has a contract right that would be impaired by application of this section, as determined by the attorney general.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 8; Nays 105; Present but not voting: 0; Absent or not voting: 12.

Yeas: A. Brown, Brunk, DeGraaf, Donohoe, Kiegerl, Otto, Peck, Worley.

Nays: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, 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, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kerschen, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, Olson, Palmer, Patton, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Colloton, Hill, Hineman, Kelley, Lane, Merrick, Neufeld, O'Neal, Peterson, Rhoades, Schwartz, Swenson.

The motion of Rep. Otto did not prevail.

Also, on further motion of Rep. Otto to amend **HB 2373**, 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, 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. Feuerborn to amend **HB 2373** on page 132, in line 43, by adding \$4,464,507 to the dollar amount and adjusting the dollar amount in line 43 accordingly;

On page 133, in line 16, by adding \$20,880,532 to the dollar amount and adjusting the dollar amount in line 16 accordingly;

On roll call, the vote was: Yeas 58; Nays 62; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Benlon, Bowers, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Huntington, Johnson, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor,

Olson, Palmer, Pauls, Phelps, Pottorff, Quigley, Rardin, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, K. Wolf.

Nays: Aurand, Bethell, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Herrmanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Swanson, Tafanelli, Watkins, Whitham, B. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Lane, Neufeld, Peterson, Schwartz, Swenson.

The motion of Rep. Feuerborn did not prevail.

Also, roll call was demanded on motion of Rep. Hawk to amend **HB 2373** on page 145, by striking all in lines 37 through 39 and inserting the following:

“Provided, That all expenditures from the federal higher education fiscal stabilization fund —Fort Hays state university shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 146, by striking all in lines 8 through 10 and inserting the following:

“Provided, That all expenditures from the federal higher education fiscal stabilization fund —Fort Hays state university shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 149, by striking all in lines 3 through 5 and inserting the following:

“Provided, That all expenditures from the federal higher education fiscal stabilization fund —Kansas state university shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 149, by striking all in lines 17 through 19 and inserting the following:

“Provided, That all expenditures from the federal higher education fiscal stabilization fund —Kansas state university shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 151, by striking all in lines 4 through 7 and inserting the following:

“Provided, That all expenditures from the federal higher education fiscal stabilization fund —Kansas state university extension systems and agriculture research programs shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 151, by striking all in lines 33 through 36 and inserting the following:

“Provided, That all expenditures from the federal higher education fiscal stabilization fund —Kansas state university extension systems and agriculture research programs shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility

costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 153, by striking all in lines 7 through 9 and inserting the following:

“*Provided*, That all expenditures from the federal higher education fiscal stabilization fund —Kansas state university veterinary medical center shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 153, by striking all in lines 21 through 23 and inserting the following:

“*Provided*, That all expenditures from the federal higher education fiscal stabilization fund —Kansas state university veterinary medical center shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 155, by striking all in lines 27 through 29 and inserting the following:

“*Provided*, That all expenditures from the federal higher education fiscal stabilization fund —Emporia state university shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 155, by striking all in lines 41 through 43 and inserting the following:

“*Provided*, That all expenditures from the federal higher education fiscal stabilization fund —Emporia state university shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 158, following line 2, by inserting the following:

“*Provided*, That all expenditures from the federal higher education fiscal stabilization fund —Pittsburg state university shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 158, by striking all in lines 15 through 17 and inserting the following:

“*Provided*, That all expenditures from the federal higher education fiscal stabilization fund —Pittsburg state university shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 160, by striking all in lines 38 through 40 and inserting the following:

“*Provided*, That all expenditures from the federal higher education fiscal stabilization fund —university of Kansas shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 161, by striking all in lines 25 through 27 and inserting the following:
“Provided, That all expenditures from the federal higher education fiscal stabilization fund—university of Kansas shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 164, by striking all in lines 7 through 9 and inserting the following:
“Provided, That all expenditures from the federal higher education fiscal stabilization fund—university of Kansas medical center shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 164, by striking all in lines 33 through 35 and inserting the following:
“Provided, That all expenditures from the federal higher education fiscal stabilization fund—university of Kansas medical center shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 166, by striking all in lines 31 through 33 and inserting the following:
“Provided, That all expenditures from the federal higher education fiscal stabilization fund—Wichita state university shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 167, by striking all in lines 6 through 8 and inserting the following:
“Provided, That all expenditures from the federal higher education fiscal stabilization fund—Wichita state university shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 171, in line 4, by adding \$6,592,555 to the dollar amount and by adjusting the dollar amount in line 4 accordingly;

On page 173, by striking all in lines 29 through 31 and inserting the following:
“Provided, That, at least \$10,700,000 of the moneys credited to and available in the federal higher education fiscal stabilization fund shall be allocated and used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 173, by striking all in lines 34 through 36 and inserting the following:
“Provided, That the moneys credited to and available in the federal higher education fiscal stabilization fund—community colleges shall be allocated and used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased community college costs, such as employer health insurance premiums and utility costs, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 173, by striking all in lines 39 through 41 and inserting the following:
“Provided, That the moneys credited to and available in the federal higher education fiscal stabilization fund—municipal university shall be allocated and used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased

municipal university costs, such as employer health insurance premiums and utility costs, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 174, by striking all in lines 1 through 3 and inserting the following: “*Provided*, That the moneys credited to and available in the federal higher education fiscal stabilization fund—postsecondary technical education shall be allocated and used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased postsecondary technical education costs, such as employer health insurance premiums and utility costs, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 178, by striking all in lines 18 through 20 and inserting the following: “*Provided*, That the moneys credited to and available in the federal higher education fiscal stabilization fund shall be allocated and used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 178, by striking all in lines 23 through 25 and inserting the following: “*Provided*, That the moneys credited to and available in the federal higher education fiscal stabilization fund—community colleges shall be allocated and used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased community college costs, such as employer health insurance premiums and utility costs, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 178, by striking all in lines 28 through 30 and inserting the following: “*Provided*, That the moneys credited to and available in the federal higher education fiscal stabilization fund—municipal university shall be allocated and used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased municipal university costs, such as employer health insurance premiums and utility costs, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 178, by striking all in lines 33 through 35 and inserting the following: “*Provided*, That the moneys credited to and available in the federal higher education fiscal stabilization fund—postsecondary technical education shall be allocated and used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased postsecondary technical education costs, such as employer health insurance premiums and utility costs, or (3) to address one-time costs, such as facilities maintenance or equipment.”

On roll call, the vote was: Yeas 56; Nays 64; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Benlon, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, M. Holmes, Huntington, Johnson, Kelley, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, Olson, Palmer, Pauls, Phelps, Pottorff, Quigley, Rardin, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, O’Brien, O’Neal, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Lane, Neufeld, Peterson, Schwartz, Swenson.

The motion of Rep. Hawk did not prevail.

Also, roll call was demanded on motion of Rep. Mast to amend **HB 2373** on page 132, following line 7, by inserting the following:

“(v) On July 1, 2009, the director of accounts and reports shall transfer \$1,200,000 from the children’s health insurance program account of the state general fund of the Kansas

health policy authority to the following accounts in the state general fund of the department of social and rehabilitation services in the amounts specified as follows: \$434,613 to the mental health and retardation services aid and assistance account; and \$765,387 to the community based services account of the state general fund of the department of social and rehabilitation services.”

On roll call, the vote was: Yeas 48; Nays 70; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Frownfelter, Fund, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Maloney, Mast, McLeland, Morrison, Myers, O’Brien, O’Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Sloan, Vickrey, Watkins, Yoder.

Nays: Ballard, Benlon, Bethell, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Hineman, Huntington, Johnson, King, Kleeb, Kuether, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Palmer, Pauls, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: George, Lane, Merrick, Neufeld, Peterson, Schwartz, Swenson.

The motion of Rep. Mast did not prevail.

Also, on further motion of Rep. Mast to amend **HB 2373**, the motion did not prevail.

Also, on motion of Rep. Kleeb, **HB 2373** be amended on page 74, after line 13, by inserting the following:

“(t) 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 2010 for the department of administration, as authorized by this or other appropriation act of the 2009 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2010 to make certain reports regarding awards on contracts made during fiscal year 2010 as prescribed by this subsection: *Provided*, That, in the event a contract is not awarded to a vendor that submitted the lowest bid, the director of purchases 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: *Provided, further*, That, in the event a multi-vendor contract is not awarded to a vendor that submitted the lowest bid, the state agency making such award 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: *Provided, further*, That, on or before January 12, 2010, the director of purchases shall transmit to the committee on appropriations of the house of representatives and to the committee on ways and means of the senate a report that shall include all written explanations prepared in accordance with this subsection during the immediately preceding year.”;

Also, on further motion of Rep. Kleeb to amend **HB 2373**, Rep. Huntington 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. Kleeb and the bill be amended on page 74, following line 13 by inserting the following:

“(t) 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 2010 for the department of administration, as authorized by this or other appropriation act of the 2009 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2010 to make certain reports regarding awards on contracts made during fiscal year 2010 as prescribed by this subsection: *Provided*, That, in the event a contract is not awarded to a vendor that: (1) Is domiciled in this state; (2) proposes to have the work which is the subject matter of the contract performed by employees subject to Kansas income withholding taxes; and (3) is subject to

Kansas income taxes, the director of purchases 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: *Provided, further*, That, in the event a multi-vendor contract is not awarded to a vendor that: (1) Is domiciled in this state; (2) proposes to have the work which is the subject matter of the contract performed by employees subject to Kansas income withholding taxes; and (3) is subject to Kansas income taxes, the state agency making such award 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: *Provided, further*, That, on or before January 12, 2010, the director of purchases shall transmit to the committee on appropriations of the house of representatives and to the committee on ways and means of the senate a report that shall include all written explanations prepared in accordance with this subsection during the immediately preceding year.”;

Also, on motion of Rep. George to amend **HB 2373**, the motion did not prevail.

Also, on motion of Rep. Seiwert, **HB 2373** be amended on page 223, after line 37, by inserting the following:

“(d) On July 1, 2009, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the state agricultural production fund to the feed the hungry fund.”;

Also, on motion of Rep. Feuerborn, **HB 2373** be amended on page 25, in line 34, before the period, by inserting “: *And provided further*, That roll shall be taken on any day when the legislature is in session: *And provided further*, That such roll shall be published in the journal of such house”;

On page 27, in line 9, before the period, by inserting “: *And provided further*, That roll shall be taken on any day when the legislature is in session: *And provided further*, That such roll shall be published in the journal of such house”

Also, on motion of Rep. Flaharty, **HB 2373** be amended on page 138, in line 16, by adding \$29,000 to the dollar amount and by adjusting the dollar amount in line 16 accordingly;

Also, on motion of Rep. Mah, **HB 2373** be amended on page 191, in line 12, by striking “\$0” and inserting “No limit”;

Also, on motion of Rep. Huntington to amend **HB 2373**, the motion was withdrawn.

Also, on motion of Rep. Rhoades to amend **HB 2373**, Rep. Dillmore 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. Rhoades to amend, which did not prevail.

Also, on motion of Rep. Henry, **HB 2373** be amended on page 123, in line 41, by adding \$8,000,000 to the dollar amount and by adjusting the dollar amount in line 41 accordingly;

Also, roll call was demanded on motion of Rep. Colloton to amend **HB 2373** on page 179, in line 3, by adding \$465,000 to the dollar amount and by adjusting the dollar amount in line 3 accordingly; in line 22, by adding \$827,500 to the dollar amount and by adjusting the dollar amount in line 22 accordingly;

On roll call, the vote was: Yeas 86; Nays 35; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Goyle, Grant, Hawk, Henderson, Henry, Hermanson, Hineman, M. Holmes, Horst, Huntington, Jack, Johnson, Kiegerl, King, Kleeb, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Neufeld, O'Brien, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Prescott, Quigley, Rardin, Ruiz, Sawyer, Schroeder, Schwartz, Seiwert, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, A. Brown, Carlson, Crum, DeGraaf, Donohoe, Fund, George, Gordon, Grange, Hayzlett, Hill, C. Holmes, Huebert, Kelley, Kerschen, Kinzer, Knox, Light, Mast,

McLeland, Merrick, Morrison, Myers, O'Neal, Powell, Proehl, Rhoades, Roth, Schwab, Shultz, Siegfried, Watkins, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Landwehr, Lane, Peterson, Swenson.

The motion of Rep. Colloton prevailed.

Also, roll call was demanded on motion of Rep. Ballard to amend **HB 2373** on page 121, in line 27, by adding \$2,500,000 to the dollar amount and by adjusting the dollar amount in line 27 accordingly;

On roll call, the vote was: Yeas 66; Nays 54; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Benlon, Bethell, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hermanson, Hineman, Johnson, Kiegerl, Kleebe, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Myers, Navinsky, Neighbor, O'Brien, Olson, Otto, Palmer, Pauls, Phelps, Pottorff, Quigley, Rardin, Ruiz, Sawyer, Seiwert, Slattery, Sloan, Spalding, Svaty, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Gordon, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Kelley, Kerschen, King, Kinzer, Knox, Light, Mast, McLeland, Merrick, Morrison, Moxley, Neufeld, O'Neal, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Goico, Landwehr, Lane, Peterson, Swenson.

The motion of Rep. Ballard prevailed.

Also, on motion of Rep. Powell (see further action, p. 391), **HB 2373** be amended on page 85, following line 26, by inserting the following:

"(f) 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, that are received for privilege fees and 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, however*, That the aggregate of all moneys transferred under this subsection shall not exceed \$45,300,000.";

On page 133, in line 16, by subtracting \$45,300,000 from the dollar amount and by adjusting the dollar amount in line 16 accordingly;

On page 254, in line 21, following "(d)" by inserting "and subsection (g)";

On page 255, by striking all in lines 33 and 34; in line 35, by striking all before the period and inserting "that 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, 2010, pursuant to this section shall not exceed the maximum amount determined pursuant to subsection (g)";

On page 256, following line 24 by inserting the following:

"(g) (1) The maximum amount that may be transferred during the fiscal year ending June 30, 2010, from the state general fund to the business machinery and equipment tax reduction assistance fund pursuant to this section shall be equal to \$45,300,000 multiplied by the result obtained by dividing (A) the aggregate amount determined under subsection (b)(3) by (B) the aggregate of (i) the aggregate amount determined under subsection (b)(3) plus (ii) the aggregate amount determined under subsection (b)(3) of K.S.A. 2008 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 2010 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.”;

On page 257, in line 32, following “(c)” by inserting “and subsection (f)”;

On page 258, in line 36, by striking all after the comma; by striking all in lines 37 and 38; in line 39 by striking all before the period and inserting “except that 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, 2010, pursuant to this section shall not exceed the maximum amount determined pursuant to subsection (f)”;

On page 259, following line 29, by inserting the following:

“(f) (1) The maximum amount that may be transferred during the fiscal year ending June 30, 2010, 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 \$45,300,000 multiplied by the result obtained by dividing (A) the aggregate amount determined under subsection (b)(3) by (B) the aggregate of (i) the aggregate amount determined under subsection (b)(3) plus (ii) the aggregate amount determined under subsection (b)(3) of K.S.A. 2008 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 2010 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.”;

Also, on motion of Rep. Burgess, **HB 2373** be amended on page 74, after line 13, by inserting the following:

“(t) 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 2009 or fiscal year 2010 for the department of administration by chapter 131 or chapter 184 of the 2008 Session Laws of Kansas, 2009 House Substitute for Substitute for Senate Bill No. 23, or by this act or any other appropriation act of the 2009 regular session of the legislature, expenditures shall be made by the department of administration for fiscal year 2009 or fiscal year 2010 to provide for issuance of a request for proposals for a new vehicle rental service agreement to be entered into by the secretary of administration during fiscal year 2010: *Provided, however,* That no expenditures shall be made by the department of administration for fiscal year 2009 or fiscal year 2010 to provide for or otherwise to exercise the option to renew the existing vehicle rental service agreement.”;

And by relettering subsections accordingly;

Also, roll call was demanded on motion of Rep. A. Brown to amend **HB 2373** on page 75, in line 12, by subtracting “\$114,535 from the dollar amount and by adjusting the dollar amount in line 12 accordingly; in line 23, by subtracting \$114,535 from the dollar amount and by adjusting the dollar amount in line 23 accordingly;

On page 229, in line 5, by subtracting 5.00 from the number in the line and by adjusting the number in line 5 accordingly;

On roll call, the vote was: Yeas 55; Nays 65; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bowers, A. Brown, Brunk, Carlson, Colloton, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Huntington, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O’Brien, O’Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Swanson, Vickrey, Watkins, Yoder.

Nays: Ballard, Benlon, Bethell, Brookens, T. Brown, Burgess, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelner, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Himeman, Horst, John-

son, King, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Palmer, Pauls, Phelps, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Lane, Light, Peterson, Pottorff, Swenson.

The motion of Rep. A. Brown did not prevail.

Also, on motion of Rep. Burroughs to amend **HB 2373**, Rep. Kinzer 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. Burroughs to amend on page 145, in line 39, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 146, in line 10, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 149, in line 5, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”; in line 19, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 151, in line 7, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas

entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso"; in line 36, preceding the period by inserting ": *Provided, however,* That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further,* That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso";

On page 153, in line 9, preceding the period by inserting ": *Provided, however,* That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further,* That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso"; in line 23, preceding the period by inserting ": *Provided, however,* That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further,* That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso";

On page 155, in line 29, preceding the period by inserting ": *Provided, however,* That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further,* That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso"; in line 43, preceding the period by inserting ": *Provided, however,* That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further,* That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso";

On page 158, following line 2, by inserting the following:
"*Provided,* That expenditures made from the federal higher education fiscal stabilization fund—Pittsburg state university shall be expended only for deferred maintenance: *Provided, however,* That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-

Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso.”;

Also on page 158, in line 17, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 160, in line 40, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 161, in line 27, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 164, in line 9, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”; in line 35, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 166, in line 33, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor

shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 167, in line 8, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 173, in line 31, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects, at educational institutions under the supervision and control of the state board of regents, that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency, or by any educational institution receiving such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso”; in line 36, preceding the period by inserting “: *Provided, however*, That all contracts entered into by community colleges for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the community colleges, for such projects that are financed in whole or in part from such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso”; in line 41, preceding the period by inserting “: *Provided, however*, That all contracts entered into by a municipal university for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts entered into by a municipal university, for such projects that are financed in whole or in part from such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 174, in line 3, preceding the period by inserting “: *Provided, however*, That all contracts entered into for deferred maintenance capital improvement projects for postsecondary technical education entities that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts entered into by postsecondary technical education entities, for such projects that

are financed in whole or in part from such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso;

On page 178, in line 20, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects, at educational institutions under the supervision and control of the state board of regents, that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency, or by any educational institution receiving such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso”; in line 25, preceding the period by inserting “: *Provided, however*, That all contracts entered into by community colleges for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the community colleges, for such projects that are financed in whole or in part from such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso”; in line 30, preceding the period by inserting “: *Provided, however*, That all contracts entered into by a municipal university for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts entered into by a municipal university, for such projects that are financed in whole or in part from such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso”; in line 35, preceding the period by inserting “: *Provided, however*, That all contracts entered into for deferred maintenance capital improvement projects for postsecondary technical education entities that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts entered into by postsecondary technical education entities, for such projects that are financed in whole or in part from such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On roll call, the vote was: Yeas 50; Nays 71; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, T. Brown, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Horst, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, Otto, Palmer, Pauls, Phelps, Rardin, Ruiz, Sawyer, Slattery, Svaty, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn.

Nays: Aurand, Benlon, Bethell, Bowers, Brookens, A. Brown, Brunk, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz,

Siegfried, Sloan, Spalding, Swanson, Tafanelli, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Landwehr, Lane, Peterson, Swenson.

The motion of Rep. Burroughs did not prevail.

Having voted on the prevailing side, Rep. Powell offered a motion to reconsider the action in the adoption of his previous amendment (see previous action, p. 384). The motion prevailed. Rep. Powell then withdrew his amendment.

Also, on motion of Rep. Powell, **HB 2373** be amended on page 85, following line 26, by inserting the following:

“(f) 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, that are received for privilege fees and 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, however*, That the aggregate of all moneys transferred under this subsection shall not exceed \$45,300,000.”;

On page 254, in line 21, following “(d)” by inserting “and subsection (g)”;

On page 255, by striking all in lines 33 and 34; in line 35, by striking all before the period and inserting “that 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, 2010, pursuant to this section shall not exceed the maximum amount determined pursuant to subsection (g)”;

On page 256, following line 24 by inserting the following:

“(g) (1) The maximum amount that may be transferred during the fiscal year ending June 30, 2010, from the state general fund to the business machinery and equipment tax reduction assistance fund pursuant to this section shall be equal to \$45,300,000 multiplied by the result obtained by dividing (A) the aggregate amount determined under subsection (b)(3) by (B) the aggregate of (i) the aggregate amount determined under subsection (b)(3) plus (ii) the aggregate amount determined under subsection (b)(3) of K.S.A. 2008 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 2010 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.”;

On page 257, in line 32, following “(c)” by inserting “and subsection (f)”;

On page 258, in line 36, by striking all after the comma; by striking all in lines 37 and 38; in line 39 by striking all before the period and inserting “except that 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, 2010, pursuant to this section shall not exceed the maximum amount determined pursuant to subsection (f)”;

On page 259, following line 29, by inserting the following:

“(f) (1) The maximum amount that may be transferred during the fiscal year ending June 30, 2010, 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 \$45,300,000 multiplied by the result obtained by dividing (A) the aggregate amount determined under subsection (b)(3) by (B) the aggregate of (i) the aggregate amount determined under subsection (b)(3) plus (ii) the aggregate amount determined under subsection (b)(3) of K.S.A. 2008 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 2010 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.”;

Also, on motion of Rep. Landwehr, **HB 2373** be amended on page 121, after line 8, by inserting:

“(f) During fiscal year 2009 or fiscal year 2010, as soon as funds are available from the federal American recovery and reinvestment act of 2009 which are allowed to be expended for the purpose of increasing funding for graduate medical education, the Kansas health policy authority shall transfer an amount of not to exceed \$4,000,000 from the appropriate fund or funds of the Kansas health policy authority to the Wichita center for graduate medical education federal fiscal stabilization fund of the university of Kansas medical center for the fiscal year ending June 30, 2010, for the purpose of providing funding of \$4,000,000 to the Wichita center for graduate medical education for the fiscal year ending June 30, 2010.”;

On page 164, after line 9, by inserting:

“Wichita center for graduate medical education federal fiscal stabilization fund..... No limit”

Also, on motion of Rep. Yoder, **HB 2373** be amended on page 14, in line 15, by adding \$108,150 to the dollar amount and by adjusting the dollar amount in line 15 accordingly; in line 18, by subtracting \$91,850 from the dollar amount and by adjusting the dollar amount in line 18 accordingly;

On page 31, in line 5, by subtracting \$2,727 from the dollar amount and by adjusting the dollar amount in line 5 accordingly; in line 18, by adding \$2,727 to the dollar amount and by adjusting the dollar amount in line 18 accordingly;

On page 35, in line 24, by adding \$25,567 to the dollar amount and by adjusting the dollar amount in line 24 accordingly; in line 30, by adding \$25,567 to the dollar amount and by adjusting the dollar amount in line 30 accordingly;

On page 41, by striking all in lines 11 through 24;

On page 88, in line 22, by subtracting \$32,378 from the dollar amount and by adjusting the dollar amount in line 22 accordingly; in line 26, by subtracting \$205,640 from the dollar amount and by adjusting the dollar amount in line 26 accordingly; in line 30, by subtracting \$423 from the dollar amount and by adjusting the dollar amount in line 30 accordingly; in line 31, by subtracting \$22,913 from the dollar amount and by adjusting the dollar amount in line 31 accordingly; in line 32, by subtracting \$36,746 from the dollar amount and by adjusting the dollar amount in line 32 accordingly; in line 35, by adding \$298,099 to the dollar amount and by adjusting the dollar amount in line 35 accordingly;

On page 132, in line 21, by adding \$19,970 to the dollar amount and by adjusting the dollar amount in line 31 accordingly;

On page 134, in line 5, by subtracting \$19,970 from the dollar amount and by adjusting the dollar amount in line 5 accordingly;

On page 161, in line 33, by adding \$1,000,000 to the dollar amount and by adjusting the dollar amount in line 33 accordingly;

On page 162, following line 2, by inserting the following:

“Wichita center for graduate medical education \$2,500,000”;

On page 171, by striking all in lines 36 through 38;

On page 178, by striking all in lines 1 through 11;

And by relettering the subsections accordingly; and **HB 2373** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2374** be amended on page 21, by striking all in lines 20 through 43;

By striking all on pages 22 through 32;

On page 33, by striking all in lines 1 through 4;

And by renumbering the remaining sections accordingly;

Also on page 33, in line 5, by striking “and 44-706 are” and inserting “is”;

On page 1, in the title, in line 12, by striking “and 44-706”; also in line 12, by striking “sections” and inserting “section”; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2365** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2365,” as follows:

“Substitute for HOUSE BILL No. 2365
By Committee on Taxation

“AN ACT creating the promoting employment across Kansas act.”; and the substitute bill be passed.

(**Sub. HB 2365** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **SB 98** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 98,” as follows:

“HOUSE Substitute for SENATE BILL No. 98
By Committee on Taxation

“AN ACT concerning estate taxation; relating to valuation of land devoted to agricultural use; amending K.S.A. 2008 Supp. 79-15,253 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 98** 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 and concurrent resolution were thereupon introduced and read by title:

HB 2395, An act concerning income taxation; relating to refunds; amending K.S.A. 2008 Supp. 79-32,105 and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5019—

By Committee on Federal and State Affairs

A PROPOSITION to amend the constitution of the state of Kansas by adding a new article thereto, prescribing certain limits upon taxes, revenues and expenditures by the state.
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 thereto to read as follows:

“Article 16. — REVENUE, ASSESSMENT AND EXPENDITURE LIMITATIONS.

“§ 1. *Definitions.* As used within this article:

(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 estab-

lishes 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, 2007, 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, 2007, 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.

§ 2. *Supermajority for passage of certain bills for new or increased taxes.* On and after July 1, 2011, a supermajority of two-thirds ($\frac{2}{3}$) of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill 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.

§ 3. *Spending and Revenue Limits.* (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 2 of this article. 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 6 of this article. The lim-

itation 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 ($\frac{2}{3}$) 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, by law, shall provide a mechanism to adjust the amount of a limitation under this section to reflect any subsequent transfer of all or any part of the cost of providing a governmental function. The mechanism shall adjust the amount of a limitation so that total costs are not increased as a result of the transfer. The adjustment mechanism provided for in this subsection shall be used in determining a limitation under this section beginning with the fiscal year immediately following the transfer.

(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.

§ 4. *Budget Stabilization Reserve Fund.* (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 3 of this article, 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, or (2) the amount equal to 50% of any such remaining excess amount of total state revenue. Income earned on the moneys credited to the budget stabilization reserve fund shall accrue 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.

§ 5. *Emergency Reserve Fund.* (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 3 of this article, then, after making any transfer to the budget stabilization reserve fund as required by section 4 of this article, 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 4 of this article. 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.

§ 6. *Disposition of Excess Revenues.* (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 4 or section 5 of this article, 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.

§ 7. *Temporary Borrowing.* 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.

§ 8. *General Revenue Supplanting.* 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.

§ 9. *State Mandates on Local Governments.* 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.

§ 10. *Construction.* (a) The provisions of this article shall be liberally construed for the purpose of effectuating the purposes thereof, except that nothing in this article 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) In any case of a conflict between any provision of this article and any other provision contained in the constitution, the provisions of this article shall control.

(c) 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 article to conform with the provisions of this article.”

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

“Explanatory statement. Beginning July 1, 2011, this amendment (1) would require a supermajority of $\frac{2}{3}$ of all members of the House and of the Senate to pass certain bills related to the creation of a new tax or the increase in the rate of an existing tax, (2) would impose spending and revenue limits on the state based on increases in the consumer price index and population, with provisions to adjust for economic downturns or transferred functions, (3) would permit expenditures in excess of the limit imposed if authorized by a bill passed by a supermajority of $\frac{2}{3}$ of all members of the House and of the Senate, (4) would provide for a state budget stabilization reserve fund to be used when state revenue declines, (5) would provide for a state emergency reserve fund to be used only for emergencies that are declared by the governor and not to be used for any revenue shortfall, (6) would provide for excess state revenues, after transfers to the reserve funds, to be refunded to state property or income taxpayers, (7) would limit state temporary borrowing to that repaid within the same year and would prohibit the state from replacing general revenues with excessive fees and charges for goods and services, (8) would provide that local governments could not be required to

fulfill unfunded state mandates, and (9) would govern in case of conflicts with statutes or other state constitutional provisions.

“A vote for the proposition would limit state legislative authority and would require a supermajority of $\frac{2}{3}$ of each house of the legislature for state tax increases or extensions, would impose state spending and revenue limits, would permit a supermajority of $\frac{2}{3}$ of each house of the legislature to exceed the spending limit, would require excess state revenues to be reserved for economic downturns and emergencies, with limits, or to be refunded to taxpayers, would limit state temporary borrowing, would prohibit unfunded mandates on local governments.

“A vote against the proposition would continue the present constitutional and statutory authority for state government taxing and spending by law, for disposition of tax revenues and for other related matters in the exercise of the legislative power of this state.”

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 to be held on November 9, 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.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6022—

By Representative Myers

A RESOLUTION supporting the Airborne Laser Program and urging the United States Congress to provide the necessary funding for the on-going development and operation of the program.

WHEREAS, The Airborne Laser Program has the potential to be one of the cornerstones of the nation's layered missile defense architecture against ballistic missile threats; and

WHEREAS, Significant program development accomplishments during 2008 included firing a high-energy laser through the Airborne Laser's beam control/fire control system, completing the first ground test of the entire weapon system integrated aboard the aircraft; and

WHEREAS, The Airborne Laser will demonstrate its capabilities against a boosting missile in 2009 and also offers multi-mission potential and capability to fill capability gaps in surface-to-air missile defense, cruise missile defense and air-to-air defense; and

WHEREAS, Now is the time for the United States to stay the course in supporting the Airborne Laser program system as one of the future cornerstones of the nation's missile defense shield against ballistic missile threats; and

WHEREAS, The Boeing Wichita facility, and its Kansas employees, have played a vital role in the development and modification of the first Airborne Laser system on a 747-400, and if the program continues after this year's shoot-down demonstration, Wichita will potentially receive many long-term benefits from the program: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we support the continued robust investment in development for the Airborne Laser program and that we respectfully urge the United States Congress to provide the necessary funding for the on-going development and operation of the Airborne Laser Program; and

Be it further resolved: That we respectfully urge the United States Congress to direct the United States Department of Defense to continue the development and operation of the Airborne Laser System; and

Be it further resolved: That the Clerk of the House of Representatives be directed to send an enrolled copy of this resolution to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the United States Senate; the Honorable Harry Reid, Majority Leader of the United

States Senate; the Honorable Mitch McConnell, Minority Leader of the United States Senate; the Honorable Nancy Pelosi, Speaker of the United States House of Representatives; the Honorable John Boehner, Minority Leader of the United States House of Representatives; the Honorable Robert M. Gates, United States Secretary of Defense and Members of the Kansas Congressional Delegation.

REPORT ON ENGROSSED BILLS

HB 2098, HB 2233, HB 2369 reported correctly engrossed March 23, 2009.

HB 2185 reported correctly re-engrossed March 23, 2009.

REPORT ON ENROLLED BILLS

HB 2054; Sub. HB 2143; HB 2197, HB 2270, HB 2321 reported correctly enrolled, properly signed and presented to the governor on March 23, 2009.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Tuesday, March 24, 2009.

Journal of the House

FIFTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 24, 2009, 9:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 125 members present.

Prayer by Everett Schultz, Deacon, First Memmonite Church of Pretty Prairie, and guest of Rep. Seiwert:

Our Father,

We come before You this morning thanking You for our great nation and for this great state of Kansas. I thank you Father that this House of Representatives still open their sessions with prayer. I pray that You will direct their thoughts, and that You will rule and overrule their decisions so those decisions will fit into Your will.

Father, I pray for wisdom for the people in this room. They have a very big responsibility as their decisions affect every citizen of this state, and in some cases, our country and the world. Their decisions on taxes, cutting costs, approving new projects, and improving the economy of the state are very important as our children and grand-children will have to deal with the results of their decisions. Therefore, these people need Your wisdom and understanding to know how to address the issues that are before them. I would encourage each of the people in this room to ask You for wisdom and guidance for each decision and issue that they take up. Only as You lead them will they be in Your will.

As Abraham Lincoln once said, "But for [the Bible], we could not know right from wrong. All things desirable for man's welfare, here and hereafter, are to be found portrayed in it." ¹ For only in the Bible did President Lincoln find the answers to many of the questions that pressed upon him. Therefore, may these people also look to You, and ask You for strength and courage to face the day as Abraham Lincoln did during some of the darkest days of this country's history.

Father, I pray that You will touch the hearts of those in this room that need Your touch, and bring them into Your presence so they might know You, and the power of Your resurrection. And now, to each one in this room: "The LORD bless you, and keep you: The LORD make his face shine on you, and be gracious to you: The LORD lift up his countenance on you, and give you peace." ² In Jesus' name I pray. Amen.

The Pledge of Allegiance was led by Rep. Seiwert.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Tietze are spread upon the journal:

It is my honor to introduce the Hayden High girl's golf team. These young women placed first in the Centennial League tournament, won the Regional tournament, and were Class

4A State Champions. The team consists of Lauren Falley, Brooke LaRue, Morgan Trobough, Courtney Koehn, Janet Lierz, and Gracie Bagley.

Their coach, Denis Stanley, was unable to be here today. He was named the City Coach of the Year. The Athletic Director, Bobby Taul, is here with them today.

Lauren Falley won 1st place individual champion, Brooke LaRue was 4th and Morgan Trobough was 5th.

Please join me in congratulating these remarkable young women.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **SB 307**.

Appropriations: **HB 2395; SB 205**.

Committee of the Whole: **HR 6022**.

Economic Development and Tourism: **SB 274**.

Energy and Utilities: **SB 285, SB 299**.

Judiciary: **SB 269, SB 310**.

Local Government: **SB 75**.

Taxation: **HB 2394; HCR 5019; SB 255**.

Transportation: **SB 302**.

COMMUNICATIONS FROM STATE OFFICERS

From Tracy Taylor, KTEC President and CEO, 2008 Annual Report of Kansas Technology Enterprise Corporation (KTEC).

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

MESSAGES FROM THE SENATE

The Senate nonconcur in House amendments to **SB 64**, requests a conference 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 **HB 2010** and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2060** 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 2096** 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 2131** 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 2134** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

Also, announcing passage of **SB 92, SB 94, SB 146, SB 201; Sub. SB 220; SB 268, SB 298, SB 316, SB 324**.

Announcing adoption of **SCR 1602, SCR 1614**.

Announcing passage of **Sub. HB 2050; HB 2201**.

Announcing passage of **Sub. HB 2008**, as amended; **HB 2172**, as amended; **HB 2214**, as amended; **HB 2219**, as amended by **S. Sub. for HB 2219; HB 2258**, as amended; **HB 2292**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 92, SB 94, SB 146, SB 201; Sub. SB 220; SB 268, SB 298, SB 316, SB 324; SCR 1602, SCR 1614.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Merrick, **HCR 5018**, A concurrent resolution relating to the adjournment of the senate and house of representatives for periods during the 2009 regular session of the legislature, was adopted.

CONSENT CALENDAR

Objection was made to **SB 1** 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

Speaker O'Neal announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over until the afternoon session today.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Myers, the House concurred in Senate amendments to **HB 2171**, An act concerning the Kansas commission on veterans affairs; relating to the membership thereof; relating to the veterans claims assistance program and the veterans claims assistance advisory board; creating the Vietnam war era medallion program; amending K.S.A. 73-1208a and K.S.A. 2008 Supp. 73-1234 and 73-1235 and repealing the existing sections.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

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 2283**; **SB 203**, **SB 8**, **SB 108**, **SB 120** be passed.

Committee report to **HB 2360** be adopted; and the bill be passed as amended.

On motion of Rep. Peck, **HB 2353** be amended on page 2, in line 19, after the period, by inserting "The surviving spouse of a disabled veteran who was receiving benefits pursuant to subsection (e)(3) of this section at the time of the veterans death, shall be eligible to continue to receive benefits until such time the surviving spouse remarries.";

Also, on further motion of Rep. Peck to amend **HB 2353**, the motion did not prevail, and the bill be passed as amended.

Committee report to **SB 39** be adopted; also, on motion of Rep. Neighbor to amend, the motion did not prevail, and the bill be passed as amended.

On motion of Rep. Johnson, **HB 2272** be amended on page 1, in line 24, by striking all after "vestigation"; by striking all in lines 25 through 27; in line 28, by striking all before "may";

Also, on motion to recommend **HB 2272** favorably for passage, the motion did not prevail.

Committee report to **HB 2275** be adopted; also, on motion of Rep. Kelley be amended on page 12, in line 21, by striking all after the period; by striking all in lines 22 through 25;

Also, on motion of Rep. Roth, **HB 2275** be amended on page 12, in line 7, after “program” by inserting “required under this subsection (l)”; in line 10, after the period, by inserting “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.”; also in line 10, by striking “second” and inserting “third”;

Also, on motion of Rep. Finney, **HB 2275** be amended on page 12, in line 38, by striking all after “thereto”; in line 39, by striking all before the last comma;

Also, roll call was demanded on motion of Rep. Flaharty to refer **HB 2275** to Committee on Corrections and Juvenile Justice.

On roll call, the vote was: Yeas 46; Nays 78; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Benlon, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Hawk, Henderson, Henry, Hill, Horst, Huntington, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Pauls, Peterson, Quigley, Rardin, Roth, Sawyer, Shultz, Svaty, Swenson, Tietze, Ward, Winn.

Nays: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Dillmore, Donohoe, Faber, Fund, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O’Brien, O’Neal, Olson, Otto, Palmer, Patton, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Slattery, Spalding, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Sloan.

The motion of Rep. Flaharty did not prevail; and **HB 2275** be passed as amended.

Rose and reported.

REPORTS OF STANDING COMMITTEES

Committee on **Higher Education** recommends **SB 225** be amended on page 2, in line 20, after “1,200” by inserting “accounts”;

On page 3, in line 18, after “(i)” by inserting “The treasurer shall prepare and submit to the governor and the legislature a report on the program on or before January 31 of each year. Such report shall include the number of accounts opened under the program, the amount of moneys contributed to such accounts by the participants, the amount of matching moneys transferred by the treasurer pursuant to subsection (g), the average income of the participants, an analysis of the success of the program in meeting the purpose of the program and any other information deemed appropriate by the treasurer.

(j)”; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 257** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 257,” as follows:

“HOUSE Substitute for SENATE BILL No. 257

By Committee on Local Government

“AN ACT concerning cities; relating to public improvements outside the city limits; relating to annexation; amending K.S.A. 12-519, 12-520b, 12-521, 12-531, 12-532 and 12-693 and K.S.A. 2008 Supp. 25-432 and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 257** was thereupon introduced and read by title.)

MESSAGE FROM THE SENATE

Announcing adoption of **SCR 1611**.

Announcing passage of **HB 2126**, as amended by **S. Sub. for HB 2126**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate concurrent resolution was thereupon introduced and read by title:
SCR 1611.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 64**.

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

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 2396, An act concerning the joint committee on information technology; amending K.S.A. 46-2101 and K.S.A. 2008 Supp. 75-7211 and repealing the existing sections, by Committee on Appropriations.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2369, An act making and concerning appropriations for the fiscal years ending June 30, 2010, and June 30, 2011, 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, was considered on final action.

Call of the House was demanded.

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

Yeas: Aurand, Ballard, Benlon, Bethell, 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, Huntington, Jack, Johnson, Kerschen, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Donohoe, King, Knox, Landwehr, O'Brien, Otto.

Present but not voting: None.

Absent or not voting: Kelley.

The bill passed, as amended.

HB 2373, An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012 and June 30, 2013, and June 30, 2014, 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 Section 95 of 2008 House Substitute for Substitute for Senate Bill No. 23, K.S.A. 2008 Supp. 2-223, 12-5256, 46-137a,

55-193, 75-6702, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-4801 and 82a-953a and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 70; Nays 54; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Fund, George, Gordon, Grange, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Kerschen, Kiegerl, King, Kinzer, Kleeb, Landwehr, Lane, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Spalding, Swanson, Tafanelli, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bethell, T. Brown, Burroughs, Carlin, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Goyle, Grant, Hawk, Henderson, Johnson, Knox, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, Neufeld, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Schwartz, Slattery, Sloan, Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Kelley.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote "yes" on **HB 2373**. Although it is clear from some of the floor amendments that went on that many in this body haven't yet awakened to the fact that we are in a substantial budget deficit and there are not sufficient funds to pay for everything without making corresponding cuts, it is important that we adopt a FY 2010 budget today and move the process along to reach adjournment with a final budget that does balance and leaves the state with sufficient reserves. Unsustainable spending amendments aside, this budget is an important step in the process.—MICHAEL R. "MIKE" O'NEAL, PETER DE-GRAAF, JEFF WHITHAM, MARC RHOADES, STEVE HUEBERT, AARON JACK, ARLEN H. SIEGFREID, STEVEN R. BRUNK, JIM MORRISON, PEGGY MAST, S. MIKE KIEGERL, DAVID CRUM, PHIL HERMANSON, BILL WOLF, VIRGIL PECK, JR., RAY MERRICK, OWEN DONOHOE

MR. SPEAKER: I vote yes on **HB 2373** because I care about people. We should have passed more cuts but we did not. I was not just playing games but trying to do the right thing.—BILL OTTO

MR. SPEAKER: I am typically a legislator who does not support additional spending. In fact, I voted against all the additional spending amendments yesterday. I will change my vote to yes because I voted to cut our legislative pay. I am concerned that in this time of economic crisis we are asking every state agency to take cuts and we have one side of the body that wants everyone else's pay to be cut but their own. I vote yes on **HB 2373**.—ANTHONY BROWN

MR. SPEAKER: Although I do not agree with all of the cuts made by the Appropriations Committee, I vote Yes on **HB 2373** because we must move the process forward. There are cuts which are painful for all of the agencies and those they serve. Agencies that serve the most vulnerable have experienced some of the largest percentage cuts while K-12 education experiences one of the smallest percentage cuts. I believe it is much better to cut dollars early with the hope that we can add money later rather than promise dollars which we must cut when we consider the final funding bill.—DEENA HORST

MR. SPEAKER: We knew that this would be a difficult budget. We knew that there would be some very difficult choices to make. The House budget bill accepts all but two of the Governor's recommended budget adjustments. It takes advantage of all Federal Stimulus funding for Medicaid and K-12 Education. It ensures state employees who have worked tirelessly are shown a bit of gratitude through a 1% raise and longevity bonuses. It requires every agency, program and project make a sacrifice. Kansans are tightening their belts—

the state must do the same. I only hope we've done enough. I vote yes on **HB 2373**.—TOM MOXLEY

MR. SPEAKER: It is with great reluctance that I vote for **HB 2373**. I disagree with making cuts to education at this time. We can make a better, more informed decision regarding education funding when we have the April Consensus Estimate and a ruling by the Department of Education on use of stimulus funds. However, because the bill does put monies into DD and PD waivers, community corrections, health insurance for children and the machinery and equipment slider payment, I vote yes.—SHERYL SPALDING, KAY WOLF, JILL QUIGLEY, PAT COLLOTON, RON WORLEY

MR. SPEAKER: Voting for the 2010 budget was a difficult but very necessary decision. No area of the budget can be spared in these trying economic times. It is important that we, as Representatives, do our part to ease the burden on Kansas taxpayers. By cutting legislative salaries working to free up money that can be used in other areas such as the Physical and Developmentally Disabled waiting lists. While cuts to all areas are inevitable, it is crucial that we help those who are unable to help themselves. For this reason, I vote yes on **HB 2373**.—JOE SEIWERT

MR. SPEAKER: Today's 2010 budget vote included many difficult decisions. It was critical that no program carry a disproportionate burden of budget reductions, especially education %10% cut was passed. . . . the lowest of any program). In addition we cut legislator pay 10%.

I felt it critical Kansas receive all education-related federal stimulus dollars and use them solely for education. With additional federal support through Title 1, Kansas schools will receive more money than last year.

The 2010 spending adjustments were targeted and we are continuing financially responsible support of education and public safety and protecting the most vulnerable of our citizens. I vote yes on **HB 2373**.—MARVIN KLEEB

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 **SB 135, SB 78, SB 61, SB 290** be passed.

HCR 5015 be adopted.

SB 119; HCR 5017; HB 2356; SB 105; HB 2253 be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **H. Sub. for SB 168** be adopted; and the substitute bill be passed.

Committee report to **HB 2328** be adopted; also, on motion of Rep. Grange be amended on page 32, in line 19, by striking "and"; in line 35, after "subsection" by inserting "; and (eee) all sales of tangible personal property and services purchased by or on behalf of Kansas Wildscape Foundation, 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 management and administrative oversight and the costs of construction and placement of cabins for lodging at Kansas state parks and state lands pursuant to the cabins project for Kansas state parks and public lands";

On page 1, in the title, in line 11, after the semicolon by inserting "Kansas Wildscape Foundation, Inc.;"

Also, roll call was demanded on motion to recommend **HB 2328** favorably for passage.

On roll call, the vote was: Yeas 62; Nays 63; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Fund, Furtado, George, Goico, Gordon, 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, Powell, Prescott, Proehl, Rhoades, Schwab,

Schwartz, Seiwert, Shultz, Siegfried, Talia, Vickrey, Watkins, Williams, Winn, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Benlon, Bethell, Brookens, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Quigley, Rardin, Roth, Ruiz, Sawyer, Schroeder, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Whitham, Worley.

Present but not voting: None.

Absent or not voting: None.

The motion to recommend **HB 2328** favorably for passage did not prevail.

Committee report to **HB 2383** be adopted; and the bill be passed as amended.

Committee report to **SB 158** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 51** be adopted; also, on motion of Rep. Siegfried to amend, the motion did not prevail and the substitute bill be passed.

Committee report to **SB 253** be adopted; and the bill be passed as amended.

Committee report to **SB 66** be adopted; and the bill be passed as amended.

Committee report to **SB 41** be adopted; and the bill be passed as amended.

Committee report to **SB 30** be adopted; and the bill be passed as amended.

Committee report to **SB 87** be adopted; and the bill be passed as amended.

Committee report to **SB 45** be adopted; and the bill be passed as amended.

Committee report to **SB 44** be adopted; and the bill be passed as amended.

Committee report to **SB 60** be adopted; also, on motion of Rep. Frownfelter to amend, the motion did not prevail; and the bill be passed as amended.

Committee report to **HB 2323** be adopted; and the bill be passed as amended.

Committee report to **SB 33** be adopted; also, on motion of Rep. Shultz be amended on page 1, by striking all in lines 24 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 12;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 14, by striking "certain"; by striking all in lines 15 and 16; in line 17, by striking "and"; and **SB 33** be passed as amended.

Committee report to **SB 134** be adopted; and the bill be passed as amended.

Committee report to **Sub. SB 28** be adopted; also, on motion of Rep. Pauls be amended on page 1, after line 15, by inserting the following:

"Section 1. K.S.A. 8-1568 is hereby amended to read as follows: 8-1568. (a) *(1) Any driver of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop, or who otherwise flees or attempts to elude for a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or (3). The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform, prominently displaying such officer's badge of office, and the officer's vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle.*

(2) Any driver of a motor vehicle who willfully otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or (3).

(3) It shall be an affirmative defense to any prosecution under paragraph (1) of this subsection that the driver's conduct in violation of such paragraph was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.

(b) Any driver who violates the provisions of subsection (a) of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, and who: (1) Commits any of the following during a police pursuit: (A) Fails to stop for a police road block; (B) drives around tire deflating devices placed by a

police officer; (C) engages in reckless driving as defined by K.S.A. 8-1566 and amendments thereto; (D) is involved in any motor vehicle accident or intentionally causes damage to property; or (E) commits five or more moving violations; or

(2) is attempting to elude capture for the commission of any felony, shall be guilty as provided in subsection (c)(4).

(c) (1) ~~Every person convicted of violating~~ *Violation of* subsection (a), upon a first conviction, ~~shall be guilty of~~ is a class B nonperson misdemeanor.

(2) ~~Every person convicted of violating~~ *Violation of* subsection (a), upon a second conviction ~~of such subsection, shall be guilty of~~ is a class A nonperson misdemeanor.

(3) ~~Every person convicted of violating~~ *Violation of* subsection (a), upon a third or subsequent conviction ~~of such subsection, shall be guilty of~~ is a severity level 9, person felony.

(4) ~~Every person convicted of violating~~ *Violation of* subsection (b) ~~shall be guilty of~~ is a severity level 9, person felony.

(d) *The signal given by the police officer may be by hand, voice, emergency light or siren:*

(1) *If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or*

(2) *if the officer giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.*

(~~†~~) (e) For the purpose of this section:

(1) "Conviction" means a final conviction without regard whether sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

(2) "*Appropriately marked*" *official police vehicle or police bicycle shall include, but not be limited to, any police vehicle or bicycle equipped with functional emergency lights or siren or both and which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle.*

(~~†~~) (f) The division of vehicles of the department of revenue shall promote public awareness of the provisions of this section when persons apply for or renew such person's driver's license.

Sec. 2. K.S.A. 21-3419 is hereby amended to read as follows: 21-3419. (a) A criminal threat is any threat to:

(1) Commit violence communicated with intent to terrorize another, or to cause the evacuation, *lock down or disruption in regular, ongoing activities* of any building, place of assembly or facility of transportation, or in reckless disregard of the risk of causing such terror or evacuation, *lock down or disruption in regular, ongoing activities*;

(2) adulterate or contaminate any food, raw agricultural commodity, beverage, drug, animal feed, plant or public water supply; or

(3) expose any animal in this state to any contagious or infectious disease.

(b) A criminal threat is a severity level 9, person felony.

(c) As used in this section, "threat" includes any statement that one has committed any action described by subsection (a)(1) or (2).

Sec. 3. K.S.A. 2008 Supp. 21-3419a is hereby amended to read as follows: 21-3419a. (a) Aggravated criminal threat is the commission of one or more crimes of criminal threat, as defined in K.S.A. 21-3419 and amendments thereto, when a public, commercial or industrial building, place of assembly or facility of transportation is evacuated *locked down or disrupted as to regular, ongoing activities* as a result of the threat or threats.

(b) Aggravated criminal threat is a severity level 5, person felony.;"

On page 8, after line 21, by inserting the following:

"Sec. 5. K.S.A. 2008 Supp. 21-4714 is hereby amended to read as follows: 21-4714. (a) The court shall order the preparation of the presentence investigation report by the court services officer as soon as possible after conviction of the defendant.

(b) Each presentence report prepared for an offender to be sentenced for one or more felonies committed on or after July 1, 1993, shall be limited to the following information:

(1) A summary of the factual circumstances of the crime or crimes of conviction.

- (2) If the defendant desires to do so, a summary of the defendant's version of the crime.
 - (3) When there is an identifiable victim, a victim report. The person preparing the victim report shall submit the report to the victim and request that the information be returned to be submitted as a part of the presentence investigation. To the extent possible, the report shall include a complete listing of restitution for damages suffered by the victim.
 - (4) An appropriate classification of each crime of conviction on the crime severity scale.
 - (5) A listing of prior adult convictions or juvenile adjudications for felony or misdemeanor crimes or violations of county resolutions or city ordinances comparable to any misdemeanor defined by state law. Such listing shall include an assessment of the appropriate classification of the criminal history on the criminal history scale and the source of information regarding each listed prior conviction and any available source of journal entries or other documents through which the listed convictions may be verified. If any such journal entries or other documents are obtained by the court services officer, they shall be attached to the presentence investigation report. Any prior criminal history worksheets of the defendant shall also be attached.
 - (6) A proposed grid block classification for each crime, or crimes of conviction and the presumptive sentence for each crime, or crimes of conviction.
 - (7) If the proposed grid block classification is a grid block which presumes imprisonment, the presumptive prison term range and the presumptive duration of postprison supervision as it relates to the crime severity scale.
 - (8) If the proposed grid block classification does not presume prison, the presumptive prison term range and the presumptive duration of the nonprison sanction as it relates to the crime severity scale and the court services officer's professional assessment as to recommendations for conditions to be mandated as part of the nonprison sanction.
 - (9) For defendants who are being sentenced for a conviction of a felony violation of K.S.A. 65-4160 or 65-4162, and amendments thereto, and meet the requirements of K.S.A. 21-4729, and amendments thereto, the drug abuse assessment as provided in K.S.A. 21-4729, and amendments thereto.
 - (10) For defendants who are being sentenced for a third or subsequent felony conviction of a violation of K.S.A. 65-4160 or 65-4162, and amendments thereto, the drug abuse assessment as provided in K.S.A. 21-4729, and amendments thereto.
- (c) The presentence report will become part of the court record and shall be accessible to the public, except that the official version, defendant's version and the victim's statement, any psychological reports, risk and needs assessments and drug and alcohol reports and assessments shall be accessible only to the parties, the sentencing judge, the department of corrections, and if requested, the Kansas sentencing commission. If the offender is committed to the custody of the secretary of corrections, the report shall be sent to the secretary and, in accordance with K.S.A. 75-5220 and amendments thereto to the warden of the state correctional institution to which the defendant is conveyed.
 - (d) The criminal history worksheet will not substitute as a presentence report.
 - (e) The presentence report will not include optional report components, which would be subject to the discretion of the sentencing court in each district except for psychological reports and drug and alcohol reports.
 - (f) *Except as provided in K.S.A. 21-4715, and amendments thereto*, the court can take judicial notice in a subsequent felony proceeding of an earlier presentence report criminal history worksheet prepared for a prior sentencing of the defendant for a felony committed on or after July 1, 1993.
 - (g) All presentence reports in any case in which the defendant has been convicted of a felony shall be on a form approved by the Kansas sentencing commission.
- Sec. 6. K.S.A. 21-4715 is hereby amended to read as follows: 21-4715. (a) The offender's criminal history shall be admitted in open court by the offender or determined by a preponderance of the evidence at the sentencing hearing by the sentencing judge.
- (b) Except to the extent disputed in accordance with subsection (c), the summary of the offender's criminal history prepared for the court by the state shall satisfy the state's burden of proof regarding an offender's criminal history.
 - (c) Upon receipt of the criminal history worksheet prepared for the court, the offender shall immediately notify the district attorney and the court with written notice of any error

in the proposed criminal history worksheet. Such notice shall specify the exact nature of the alleged error. The state shall have the burden of producing further evidence to satisfy its burden of proof regarding any disputed part, or parts, of the criminal history and the sentencing judge shall allow the state reasonable time to produce such evidence to establish the disputed portion of the criminal history by a preponderance of the evidence. *If the offender later challenges such offender's criminal history, which has been previously established, the burden of proof shall shift to the offender to prove such offender's criminal history by a preponderance of the evidence.*”;

And by renumbering the sections accordingly;

Also on page 8, in line 22, by striking “21-4603d is” and inserting “8-1568, 21-3419, 21-4603d and 21-4715 and K.S.A. 2008 Supp. 21-3419a and 21-4714 are”;

In the title, in line 11, after “to” by inserting “fleeing or eluding a police officer; criminal threat; aggravated criminal threat.”; in line 12, after the semicolon by inserting “presentence investigation report; criminal history.”; also in line 12, by striking “21-4603d” and inserting “8-1568, 21-3419, 21-4603d and 21-4715 and K.S.A. 2008 Supp. 21-3419a and 21-4714.”; in line 13, by striking “section” and inserting “sections”;

Also, on motion of Rep. Roth to amend **Sub. SB 28**, Rep. Siegfried requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and the substitute bill be passed as amended.

Committee report to **SB 237** be adopted; and the bill be passed as amended.

Committee report to **SB 154** be adopted; also, on motion of Rep. Swenson to amend, Rep. Kinzer 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 98** be adopted; and the substitute bill be passed.

Committee report to **SB 35** be adopted; and the bill be passed as amended.

On motion of Rep. Hayzlett, **SB 275** be amended on page 4, following line 18, by inserting the following:

“Sec. 4. K.S.A. 2008 Supp. 8-126 is hereby amended to read as follows: 8-126. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

(a) “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

(b) “Motor vehicle” means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.

(c) “Truck” means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(d) “Motorcycle” means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term “tractor” as herein defined.

(e) “Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

(f) “Farm tractor” means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

(g) “Road tractor” means every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

(h) “Trailer” means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(i) “Semitrailer” means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(j) “Pole trailer” means any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

(k) "Specially constructed vehicle" means any vehicle which shall not have been originally constructed under a distinctive name, make, model or type, or which, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(l) "Foreign vehicle" means every motor vehicle, trailer or semitrailer which shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(m) "Person" means every natural person, firm, partnership, association or corporation.

(n) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

(o) "Nonresident" means every person who is not a resident of this state.

(p) "Manufacturer" means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(q) "New vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles and who holds a dealer's contract therefor from a manufacturer or distributor and who has an established place of business in this state.

(r) "Used vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, travel trailers, trailers or vehicles.

(s) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

(t) "Department" or "motor vehicle department" or "vehicle department" means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

(u) "Commission" or "state highway commission" means the director of vehicles of the department of revenue.

(v) "Division" means the division of vehicles of the department of revenue.

(w) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

(x) "Passenger vehicle" means every motor vehicle, as herein defined, which is designed primarily to carry 10 or fewer passengers, and which is not used as a truck.

(y) "Self-propelled farm implement" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(z) "Farm trailer" means every trailer as defined in subsection (h) of this section and every semitrailer as defined in subsection (i) of this section, designed and used primarily as a farm vehicle.

(aa) "Motorized bicycle" means every device having two tandem wheels or three wheels, which may be propelled by either human power or helper motor, or by both, and which has:

(1) A motor which produces not more than 3.5 brake horsepower;

(2) a cylinder capacity of not more than 130 cubic centimeters;

(3) an automatic transmission; and

(4) the capability of a maximum design speed of no more than 30 miles per hour.

(bb) "All-terrain vehicle" means any motorized nonhighway vehicle ~~48~~ 50 inches or less in width, having a dry weight of ~~1,000~~ 1,500 pounds or less, traveling on three or more ~~low~~

~~pressure nonhighway~~ tires, having a seat designed to be straddled by the operator. As used in this subsection, ~~low-pressure nonhighway~~ tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of ~~12~~ 14 inches or less, ~~and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.~~

(cc) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to:

- (1) A farm tractor;
- (2) a self-propelled farm implement;
- (3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;
- (4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;
- (5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

(dd) "Motorized wheelchair" means any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.

(ee) "Oil well servicing, oil well clean-out or oil well drilling machinery or equipment" means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is an oil well servicing, oil well clean-out or oil well drilling machinery or equipment.

(ff) "Electric personal assistive mobility device" means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(gg) "Electronic certificate of title" means any electronic record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 2008 Supp. 8-135d, and amendments thereto.

(hh) "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck.

(ii) "Micro utility truck" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 144 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle.

Sec. 5. K.S.A. 2008 Supp. 8-1402a is hereby amended to read as follows: 8-1402a. "All-terrain vehicle" means any motorized nonhighway vehicle ~~48~~ 50 inches or less in width, having a dry weight of ~~1,000~~ 1,500 pounds or less, traveling on three or more ~~low-pressure nonhighway~~ tires; ~~and~~ having a seat designed to be straddled by the operator. As used in this section, "~~low-pressure nonhighway~~ tire" means any pneumatic tire six inches or more in width, designed for use on wheels with a rim diameter of ~~12~~ 14 inches or less ~~and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.~~";

And by renumbering sections accordingly;

Also on page 4, in line 19, by striking "8-197" and inserting "8-126, 8-197, 8-1402a";

In the title, in line 9, following "ACT" by inserting "concerning vehicles;"; also in line 9, preceding "amending" by inserting "concerning all-terrain vehicles;"; in line 10, by striking "8-197" and inserting "8-126, 8-197, 8-1402a"; and **SB 275** be passed as amended.

Committee report to **SB 9** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Taxation** recommends **HB 2388** be amended on page 2, in line 25, by striking "2008" and inserting "2010"; 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 2397, An act concerning crimes and punishment; creating certain crimes against mass transit system employees, by Committee on Appropriations.

HB 2398, An act concerning income taxation; relating to deductions; certain life insurance policy premiums; amending K.S.A. 2008 Supp. 79-32,117 and repealing the existing section; also repealing K.S.A. 2008 Supp. 79-32,117m, by Committee on Taxation.

HB 2399, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; making and concerning appropriations for the fiscal year ending June 30, 2009; 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 2400, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employer contributions; making and concerning appropriations for the fiscal year ending June 30, 2010; amending K.S.A. 2008 Supp. 74-4920 and repealing the existing section, by Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **SB 312**.

Announcing passage of **HB 2354**, as amended by **S. Sub. for HB 2354**.

Also, the Senate adopts the conference committee report to agree to disagree on **S. Sub. for Sub. HB 2014** and has appointed Senators Apple, Peterson and Lee 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 312.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Aurand, the House nonconcurred in Senate amendments to **Sub. HB 2008** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Horst, Hill and Trimmer 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 2126** 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. Carlson, the House nonconcurred in Senate amendments to **HB 2172** 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. Shultz, the House nonconcurred in Senate amendments to **HB 2214** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Shultz, Peck and Dillmore as conferees on the part of the House.

On motion of Rep. Morrison, the House nonconcurred in Senate amendments to **S. Sub. for HB 2219** 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. A. Brown, the House nonconcurred in Senate amendments to **HB 2292** 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. Merrick, the House adjourned until 9:00 a.m., Wednesday, March 25, 2009.

Journal of the House

FIFTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 25, 2009, 9:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 125 members present.

Prayer by Chaplain Brubaker:

Dear Lord,
As we encounter the responsibilities of the day,
by the power of Your Spirit,
help us to touch the lives of others for good.
Prevent us from injuring anyone willfully,
either by our words or our deeds.
Help us to make up in perseverance what we lack in skill.
Enable us to be willing to change our opinions
in the light of true facts.
Fill us with Your love so there will be no hate.
Give us a right faith, a firm hope,
and perfect charity.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Williams.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **SB 316**.
Appropriations: **HB 2396; SB 146; SCR 1614**.
Commerce and Labor: **SB 324**.
Committee of the Whole: **SCR 1611**.
Corrections and Juvenile Justice: **HB 2397**.
Elections: **SB 268**.
Energy and Utilities: **SB 298**.
Judiciary: **SB 92, SB 94**.
Taxation: **HB 2398; SB 312; SCR 1602**.
Veterans, Military and Homeland Security: **SB 201**.
Transportation and Public Safety Budget: **Sub. SB 220**.
Select Committee on KPERs: **HB 2399, HB 2400**.

COMMUNICATIONS FROM STATE OFFICERS

From Christie Brandau, State Librarian, in accordance with K.S.A. 75-3046, 2008 Annual Report for the State Library.

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2275. An act establishing a program of drug screening for cash assistance recipients; amending K.S.A. 2008 Supp. 39-709 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 26; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlson, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Fund, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Long, Lukert, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Spalding, Svaty, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Burroughs, Carlin, Colloton, Crow, Finney, Flaharty, Frownfelter, Furtado, Garcia, Hawk, Henderson, Kuether, Loganbill, Mah, McCray-Miller, Menghini, Navinsky, Neighbor, Peterson, Quigley, Sawyer, Sloan, Swenson, Tietze, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: A Michigan law like **HB 2275** was struck down in 2003 by the 6th Circuit Court of Appeals. No other state has inflicted this unreasonable search on its citizens since. The law being proposed here is unlawful under our American and Kansas Bill of Rights, it is costly and it is mean. The rationale for testing people because they receive a benefit from our government could be applied to farmers, nursing home residents, education grants or loans and disaster relief. The rationale that children need drug free parents could be applied to every parent, poor or not. I vote NO on **HB 2275**.—JUDITH LOGANBILL, CINDY NEIGHBOR, TOM BURROUGHS, MARTI CROW, ANN MAH, SYDNEY CARLIN

MR. SPEAKER: It is not illegal to be poor. Suspicionless drug testing is an unconstitutional invasion of innocent peoples' privacy. We have the right, as Americans, to provide public assistance to those among us who are in need. We do not have the right to assume that poor people are more likely than the rest of us to take illegal drugs. There are less invasive, more effective and less costly ways to provide treatment for substance abuse. I vote NO on **HB 2275**.—GERALDINE FLAHARTY, ANNIE KUETHER, GAIL FINNEY, TOM SAWYER, DELIA GARCIA, TOM HAWK

MR. SPEAKER: I vote no on **HB 2275**. I believe this bill has not been reviewed for legal issues or the impact on the criminal justice system. I believe this bill may violate the constitutional guarantees of due process, equal protection and the right against self-incrimination. It will likely cause crime to rise in Kansas and will increase costs for law enforcement, courts and prisons. Action on this bill is premature.—PAT COLLOTON

MR. SPEAKER: This bill is compassionate and responsible.

The goal of assistance is to provide temporary aid to the needy. It is not to enable recipients with drug habits to continue on taxpayer dollars, or to allow child endangerment in the home of addicts. How tragic some seem to believe these individuals should not be afforded intervention help; how tragic to request tax dollars be used to enable unhealthy, illegal activity at the expense of the truly needy.

This bill proscribes drug treatment if random testing reveals illegal drugs. It can improve life for these families, and is respectful to taxpayer funding. We vote yes on **HB 2275**.—PEGGY MAST, KASHA KELLEY, PHIL HERMANSON, AARON JACK, JOE SEIWERT, MARVIN KLEEB, MITCH HOLMES, S. MIKE KIEGERL

HB 2283. An act concerning rural water districts; relating to procedures for release of lands from a district; amending K.S.A. 2008 Supp. 82a-646 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2323. An act concerning providers of care services; relating to employment of persons by such providers; amending K.S.A. 2008 Supp. 39-970 and 65-5117 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2353. An act concerning taxation; relating to the homestead property tax refund act; amending K.S.A. 2008 Supp. 79-4502 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2360. An act concerning the state budget; relating to preparation and submission of budget estimates and recommendations by the governor to the legislature; amending K.S.A. 75-3720 and K.S.A. 2008 Supp. 75-3717, 75-3717b, 75-3718 and 75-3721 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 94; Nays 30; Present but not voting: 1; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Finney, Fund, Furtado, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Haylett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Loganbill, Long, Lukert, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Watkins, Wetta, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Crow, Davis, Dillmore, Feuerborn, Flaharty, Frownfelter, Garcia, D. Gatewood, Grant, Hawk, Henderson, Henry, Kuether, Lane, Mah, Menghini, Navinsky, Neighbor, Palmer, Pauls, Peterson, Phelps, Ruiz, Sawyer, Swenson, Tietze, Ward, Williams, Winn.

Present but not voting: Moxley.

Absent or not voting: None.

The bill passed, as amended.

HB 2383. An act concerning fines and penalties; amending K.S.A. 65-3024 and 65-34,146 and K.S.A. 2008 Supp. 65-3424g and 65-34,114 and and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Haylett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HCR 5015. A Concurrent Resolution directing the State Board of Education to take certain actions in relation to children with reading problems, including dyslexia, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Kinzer, Peck.

Present but not voting: None.

Absent or not voting: None.

The resolution was adopted.

SB 8. An act concerning the Kansas tort claims act; concerning the definition of terms used therein; amending K.S.A. 2008 Supp. 75-6102 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

SB 9. An act concerning state educational institutions; relating to construction improvement projects, was considered on final action.

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

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Landwehr, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

Sub. SB 28, An act concerning crimes, criminal procedure and punishment; relating to fleeing or eluding a police officer; criminal threat; aggravated criminal threat; unlawful possession of a controlled substance or controlled substance analog; presentence investigation report; criminal history; amending K.S.A. 8-1568, 21-3419, 21-4603d and 21-4715 and K.S.A. 8008 Supp. 21-3419a and 21-4714 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Faber, Landwehr, Schwartz.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

SB 30, An act concerning surplus property of the state; amending K.S.A. 2008 Supp. 75-6606 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 33, An act concerning the state board of pharmacy; pharmacy technicians; terms and membership of the state board of pharmacy; amending K.S.A. 74-1603 and 74-1604 and K.S.A. 2008 Supp. 65-1663 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 8; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, DeGraaf, Dillmore, Donohoe, Faber, Gordon, Lane, O'Brien.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 35, An act concerning municipal bonds; interest rates; amending K.S.A. 2008 Supp. 10-1009 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 12; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, 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, Huntington, Jack, Johnson, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brunk, DeGraaf, Donohoe, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, O'Brien, Peck, Watkins, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 39, An act concerning certain municipalities; relating to the investment of public moneys; amending K.S.A. 2008 Supp. 12-1677b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 41, An act concerning school districts; relating to the transfer of land; relating to the consolidation of districts; amending K.S.A. 2008 Supp. 72-6445a and repealing the existing section; also repealing K.S.A. 72-67,106, 72-8149, 72-8155, 72-8155a, 72-8155b and 72-8155c, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 44, An act concerning civil actions and civil penalties; relating to the submission of false or fraudulent claims to or the performance of fraudulent acts upon the state or a political subdivision thereof, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 45, An act concerning the Kansas power of attorney act; amending K.S.A. 58-652, 58-656 and 58-657 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Kuether, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

H. Sub. for SB 51, 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. 2008 Supp. 25-432 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 77; Nays 48; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Carlson, DeGraaf, Faber, Finney, Frownfelter, Fund, S. Gatewood, George, Goico, Gordon, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Navinsky, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Svaty, Trimmer, Vickrey, Watkins, Wetta, Williams, Winn, B. Wolf.

Nays: Benlon, Brookens, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Feuerborn, Flaharty, Furtado, Garcia, D. Gatewood, Goyle, Grange, Hawk, Henderson, Hill, Huntington, Kleeb, Kuether, Loganbill, McCray-Miller, Menghini, Myers, Neighbor, Olson, Pauls, Quigley, Rardin, Ruiz, Sawyer, Siegfried, Slattery, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Ward, Whitham, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: This bill significantly strengthens our ability as property owners to determine the future of our land and the use of our tax dollars. I am here to represent the people of Kansas, not cities and special interests. Property ownership is a right that should not be compromised. For this reason, I vote Yes on **H. Sub. for SB 51**.—LANA GORDON, MARIO GOICO, ROCKY FUND

MR. SPEAKER: I am concerned that cities continue to annex property without providing the services promised. Property owners should not only have a voice in the annexation process but also have recourse if the cities do not live up to their end of the bargain. This will not stop economic development. It will ensure that the cities take a measured approach to planning. By allowing Kansans to determine the fate of their land, homes, and businesses, there will be extra pressure on the cities to provide the promised services in return for the

increased tax dollars they will be receiving. I vote Yes on **H. Sub. for SB 51**.—STEVE HUEBERT

SB 60, An act concerning counties; relating to the sale of real property; relating to re-development districts within a federal enclave; amending K.S.A. 19-211 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Hayzett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 61, An act concerning the department of corrections; relating to the prison-made goods act; providing additional authorization to contract for certain work projects; amending K.S.A. 2008 Supp. 75-5275 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, 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, Hayzett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

SB 66, An act concerning district courts; relating to change of venue in care and treatment cases for mentally ill persons and care and treatment cases for persons with an alcohol or substance abuse problem; transmittal of documents; amending K.S.A. 59-2971 and 59-29b71 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 78, An act concerning transportation development districts; amending K.S.A. 2008 Supp. 12-17,140, 12-17,141, 12-17,143, 12-17,145 and 12-17,148 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, 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, Huntington, Jack, Johnson, Kelley, 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, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Otto.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

SB 87, An act concerning public agencies; relating to disclosure of certain records; administrative procedure; judicial review; amending K.S.A. 77-501, 77-503, 77-511, 77-512, 77-513, 77-519, 77-520, 77-521, 77-523, 77-525, 77-528, 77-531, 77-532, 77-534, 77-537, 77-601, 77-612, 77-614, 77-617 and 77-621 and K.S.A. 2008 Supp. 45-221, 77-514, 77-527, 77-529, 77-549, 77-550, 77-551 and 77-603 and repealing the existing sections; also repealing K.S.A. 77-507, 77-507a and 77-605 and K.S.A. 2003 Supp. 77-514, as amended by section 39 of chapter 145 of the 2004 Session Laws of Kansas, and K.S.A. 77-551, as amended by section 43 of chapter 145 of the 2004 Session Laws of Kansas, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Pow-

ell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

H. Sub. for SB 98. An act concerning estate taxation; relating to valuation of land devoted to agricultural use; amending K.S.A. 2008 Supp. 79-15,253 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 11; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Benlon, Brookens, Burroughs, Dillmore, Flaharty, S. Gatewood, Kuether, Lane, Menghini, Tietze, Winn.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

SB 108. An act concerning the economic revitalization and reinvestment act; relating to the secretary of commerce and the Kansas development finance authority; authorizing the issuance of bonds for certain economic development projects; amending K.S.A. 2008 Supp. 74-50,136 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

SB 120. An act concerning the Kansas investments in major projects and comprehensive training; relating to the secretary of commerce; authorizing the funding of certain economic

development projects; amending K.S.A. 2008 Supp. 74-50,103 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

SB 134. An act concerning court fees and costs; amending K.S.A. 2008 Supp. 8-2107, 8-2110, 23-108a, 28-170, 28-172a, 28-177, 38-2215, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 38-1511 and 38-1613, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 17; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, 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, Huntington, Jack, Johnson, Kelley, King, Kinzer, Kleeb, Knox, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Neal, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Brunk, Dillmore, Donohoe, Garcia, Huebert, Kerschen, Kiegerl, Kuether, Landwehr, O'Brien, Olson, Peck, Pottorff, Schwartz, Vickrey.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 135. An act concerning the Kansas open meetings act; relating to serial meetings; amending K.S.A. 2008 Supp. 75-4318 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

SB 154. An act concerning civil procedure; relating to habeas corpus; infectious disease; amending K.S.A. 60-1505 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Watkins.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 158. An act concerning driver's licenses; relating to restrictions for certain persons; amending K.S.A. 2008 Supp. 8-2110 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

H. Sub. for SB 168. An act concerning state agencies; relating to salaries and wages; amounts budgeted and appropriated therefor; payment of payroll obligations, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Kinzer.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

SB 203, An act concerning the secretary of agriculture; relating to powers and duties; amending K.S.A. 36-515 and K.S.A. 2008 Supp. 36-503, 36-510 and 74-598 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 14; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, 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, Huntington, Johnson, Kerschen, King, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Menghini, Merrick, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Brunk, DeGraaf, Dillmore, Donohoe, Huebert, Jack, Kelley, Kiegerl, Kinzer, Lane, Mast, Morrison, Seiwert.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

SB 237, An act concerning crimes, punishment and criminal procedure; amending K.S.A. 21-3826 and K.S.A. 2008 Supp. 50-6,109, 50-6,110, 50-6,111 and 50-6,112 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson,

Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 253. An act concerning zoning; relating to counties declared urban areas; amending K.S.A. 12-757 and 19-2960 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 6; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burgess, Burroughs, Dillmore, Frownfelter, Mah, Svaty.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 275. An act concerning vehicles; relating to implements of husbandry; concerning all-terrain vehicles; amending K.S.A. 84-2a-104 and K.S.A. 2008 Supp. 8-126, 8-197, 8-1402a and 84-9-311 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 290. An act concerning school districts; relating to teachers and teachers' contracts; amending K.S.A. 2008 Supp. 72-5413 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Aurand, the House concurred in Senate amendments to **HB 2002**, An act concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 72-6448 and repealing the existing section.

On roll call, the vote was: Yeas 90; Nays 34; Present but not voting: 1; Absent or not voting: 0.

Yeas: Ballard, Benlon, Bethell, Brookens, T. Brown, Burgess, Burroughs, Carlin, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Johnson, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Myers, Navinsky, Neighbor, O'Brien, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Seiwert, Shultz, Slattery, Sloan, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf.

Nays: Aurand, Bowers, A. Brown, Brunk, Carlson, Colloton, Donohoe, Faber, George, Gordon, Grange, Huebert, Huntington, Kelley, Kiegerl, Kinzer, Landwehr, Mast, McLeland, Merrick, Morrison, Neufeld, O'Neal, Olson, Patton, Peck, Powell, Quigley, Schwab, Schwartz, Siegfried, K. Wolf, Worley, Yoder.

Present but not voting: Spalding.

Absent or not voting: None.

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **HB 2258**, An act relating to the vehicle dealers and manufacturers licensing act; providing for the licensing and regulation of certain dealers; amending K.S.A. 8-135c, 8-1,137, 8-2408, 8-2434 and 8-2436 and K.S.A. 2008 Supp. 8-2401 and 8-2404 and repealing the existing sections.

On roll call, the vote was: Yeas 107; Nays 18; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Benlon, Bethell, Bowers, 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, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Brookens, A. Brown, Burroughs, Donohoe, Frownfelter, Gordon, Huebert, Kelley, Kiegerl, Kinzer, McLeland, Patton, Peck, Rhoades, Schroeder, Schwab, Schwartz.

Present but not voting: None.

Absent or not voting: None.

On motion of Rep. Yoder, the House nonconcurred in Senate amendments to **S. Sub. for HB 2354** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Yoder, Watkins and Feuerborn 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 2014**, 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

JANIS K. LEE

Conferees on part of Senate

FORREST J. KNOX

CARL DEAN HOLMES

Conferees on part of House

On motion of Rep. Knox, the conference committee report on **HB 2014** was adopted.

Speaker O'Neal thereupon appointed Reps. C. Holmes, Knox and Kuetner as second 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. Hayzlett, Committee of the Whole report, as follows, was adopted: Recommended that **SCR 1611**; **HR 6022**, **HR 6018**; **HCR 5012**, **HCR 5013** be adopted.

SB 159; **Sub. HB 2365** be passed over and retain a place on the calendar.

Committee report to **SB 204** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 254** be adopted; and the substitute bill be passed.

Committee report to **SB 212** be adopted; also, on motion of Rep. McLeland to amend, the motion did not prevail; and the bill be passed as amended.

Committee report to **HB 2180** be adopted; and the bill be passed as amended.

Committee report to **SB 68** be adopted; and the bill be passed as amended.

Committee report to **SB 160** be adopted; also, on motion of Rep. Brookens to amend, the motion did not prevail. Also, on motion of Rep. Grant to amend, the motion did not prevail. Also, on motion of Rep. S. Gatewood to amend, the motion was withdrawn.

Also, on motion of Rep. Neufeld, **SB 160** be amended on page 2, preceding line 19, by inserting the following:

“(e) Elected members of the legislature shall not be subject to the provisions of this section.”; and **SB 160** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 91** be adopted; also, on motion of Rep. Vickrey to amend, Rep. Powell 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. Vickrey and the bill be amended on page 2, after line 5, by inserting the following:

“Sec. 2. K.S.A. 2008 Supp. 59-29a11 is hereby amended to read as follows: 59-29a11. (a) Nothing in this act shall prohibit a person from filing a petition for transitional release, conditional release or final discharge pursuant to this act. However, if a person has previously

filed a petition for transitional release, conditional release or final discharge without the secretary of the department of social and rehabilitation services approval and the court determined either upon review of the petition or following a hearing, that the petitioner's petition was frivolous or that the petitioner's condition had not so changed that the person was safe to be at large, then the court shall deny the subsequent petition unless the petition contains facts upon which a court could find the condition of the petitioner had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from committed persons without the secretary's approval, the court shall endeavor whenever possible to review the petition and determine if the petition is based upon frivolous grounds and if so shall deny the petition without a hearing.

(b) No transitional release or conditional release facility or building shall be located within 2,000 feet of a licensed child care facility, registered family day care home, an established place of worship, any residence in which a child under 18 years of age resides, or the real property of any school upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any grades one through 12. This subsection shall not apply to any state ~~correctional~~ institution or facility.

(c) Transitional release or conditional release facilities or buildings shall be subject to all regulations applicable to other property and buildings located in the zone or area that are imposed by any municipality through zoning ordinance, resolution or regulation, such municipality's building regulatory codes, subdivision regulations or other nondiscriminatory regulations.

(d) *On and after January 1, 2009, the secretary of social and rehabilitation services shall place no more than eight sexually violent predators in any one county on transitional release or conditional release.*

(e) *The secretary of social and rehabilitation services shall submit an annual report to the governor and the legislature during the first week of the regular legislative session detailing activities related to the transitional release and conditional release of sexually violent predators. The report shall include the status of such predators who have been placed in transitional release or conditional release including the number of any such predators and their locations; information regarding the number of predators who have been returned to the sexually violent predator treatment program at Larned state hospital along with the reasons for such return; and any plans for the development of additional transitional release or conditional release facilities.”;*

And by renumbering the sections accordingly;

Also on page 2, in line 6, by striking “is” and inserting “and K.S.A. 2008 Supp. 59-29a11 are”;

In the title, in line 9, after “concerning” by inserting “community”; also in line 9, by striking “and zoning”; after the semicolon by inserting “relating to placement of sexually violent predators; zoning.”; in line 10, after “12-764” by inserting “and K.S.A. 2008 Supp. 59-29a11”; in line 11, by striking “section” and inserting “sections”; and **H. Sub. for SB 91** be passed as amended.

Committee report to **SB 225** be adopted; also, on motion of Rep. Huntington to amend, the motion did not prevail; and the bill be passed as amended.

Committee report to **HB 2331** be adopted; and the bill be passed as amended.

Committee report to **SB 53** be adopted; also, on motion of Rep. Schwab to amend, the motion did not prevail, and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2340** be adopted; also, on motion of Rep. Ward be amended on page 10, in line 18, preceding “house” by inserting “house committee on judiciary.”; and the substitute bill be passed as amended.

Committee report to **SB 29** be adopted; and the bill be passed as amended.

Committee report to **HB 2356** be adopted; and the bill be passed as amended.

Committee report to **HR 6011** be adopted; and the resolution be adopted as amended.

On motion of Rep. Faber to amend **SB 1**, the motion did not prevail. Also, on motion of Rep. Mast to amend, the motion did not prevail, and the bill be passed.

On motion to adopt the committee report recommending a substitute bill to **H. Sub. for SB 43**, the motion did not prevail. The question reverted back to the original bill, **SB 43**.

On motion of Rep. Colloton to amend, Rep. Merrick moved to rise and report. Roll call was demanded.

On roll call, the vote was: Yeas 58; Nays 66; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Johnson, 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, Siegfried, Sloan, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, Yoder.

Nays: Ballard, 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, Horst, Huntington, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Kelley.

The motion of Rep. Merrick did not prevail.

The question reverted back to the motion of Rep. Colloton and on the motion to amend, Rep. Kinzer requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane.

The Committee of the Whole stood at ease until the sound of the gavel.

Rep. Hayzlett called the Committee of the Whole to order.

Also, Rep. Colloton withdrew her amendment.

Also, on motion of Rep. Merrick, **SB 43** be rereferred to Committee on Aging and Long Term Care.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick pursuant to House Rule 2311, **SB 68**, **SB 160**; **SCR 1611**; **H. Sub. for SB 91**; **SB 1** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 68, An act concerning docket fees; relating to the prosecuting attorneys' training fund; amending K.S.A. 20-362 and K.S.A. 2008 Supp. 28-172a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 95; Nays 30; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Donohoe, Faber, Finney, Flaharty, Fund, Furtado, Garcia, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, King, Kinzer, Kleeb, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Neal, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Trimmer, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Brunk, Crow, Dillmore, Feuerborn, Frownfelter, S. Gatewood, Grant, Henderson, Henry, Huebert, Kelley, Kiegerl, Knox, Kuether, Landwehr, Lane, Loganbill, McLeland, Merrick, Neufeld, O'Brien, Olson, Peck, Pottorff, Schwartz, Tietze, Vickrey, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 160. An act concerning the minimum wage and maximum hours law; amending K.S.A. 44-1203 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 21; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, 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, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kerschen, King, Kleebe, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Menghini, Merrick, Moxley, Myers, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Schroeder, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Carlson, Crum, DeGraaf, Donohoe, Faber, Hayzlett, Hineman, Kelley, Kiegerl, Kinzer, Knox, Mast, Morrison, Neufeld, Patton, Powell, Rhoades, Schwab, Schwartz, Siegfried.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **SB 160**. Increasing the minimum wage, while well intentioned and politically popular, is in reality a burden not only to our businesses but also those seeking jobs.

It is inflationary, discourages job growth, and eliminates job opportunities—particularly for our youth and otherwise disadvantaged.

In the midst of widespread economic hardship, it's irresponsible to place more pressure on business and eliminate opportunity.

Countless studies have confirmed these facts, and while I'm an ardent supporter of any measure bolstering job growth, I fear this does the opposite and consequently vote no.

We vote no on **SB 160**.—ARLEN SIEGFRIED, MIKE KIEGERL, KASHA KELLEY, PEGGY MAST, PETER DEGRAAF, LANCE KINZER

SCR 1611. A PROPOSITION to amend section 4 of the bill of rights of the constitution of the state of Kansas, relating to the right to bear arms.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 4 of the bill of rights of the constitution of the state of Kansas is hereby amended to read as follows:

“**§ 4. Individual right to bear arms; armies.** ~~The people have the right to bear arms for their defense and security~~ *A person has the right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.*”

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 preserve constitutionally the right of a person to keep and bear arms for the defense of self, family, home and state, and for all other lawful purposes, including hunting and recreation.

“A vote for this amendment would constitutionally preserve the right of a person to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use, and for any other lawful purpose.

“A vote against this amendment would provide for no constitutional right of a person to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use, and for any other lawful purpose.”

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

On roll call, the vote was: Yeas 116; Nays 9; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crow, Flaharty, Frownfelter, Garcia, Henderson, McCray-Miller, Peterson, Ruiz, Winn.

Present but not voting: None.

Absent or not voting: None.

A two-thirds majority of the members elected to the House having voted in the affirmative, the resolution was adopted.

EXPLANATION OF VOTE

MR. SPEAKER: *City of Salina v. Blaksley*, 72 Kan. 230, 83 P. 619 (1905), interpreted Section 4 of the Kansas Bill of Rights as guaranteeing no individual right to keep arms or to bear arms. The court held “It deals exclusively with the military. Individual rights are not considered in this section.” To drive this point home, the court concluded: “The defendant was not a member of an organized militia, nor of any other military organization provided for by law, and was therefore not within the provision of the Bill of Rights and was not protected by its terms.” We vote yes on **SCR 1611**.—RICHARD CARLSON, RAY MERRICK, GARY K. HAYZLETT

H. Sub. for SB 91, An act concerning community planning; relating to placement of sexually violent predators; zoning; dealing with vesting of development rights; amending K.S.A. 12-764 and K.S.A. 2008 Supp. 59-29all and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

SB 1, An act designating the William Inge Theatre Festival as the official theatre festival of the state of Kansas, was considered on final action.

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

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, 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, Huntington, Jack, Johnson, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Sawyer, Schwab, Schwartz, Seiwert, Siegfried, Slattery, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Faber, Frownfelter, Henderson, Huebert, Kiegerl, Kinzer, Landwehr, McLeland, Powell, Ruiz, Schroeder, Shultz, Vickrey, Winn.

Present but not voting: Kelley, Neufeld, Sloan.

Absent or not voting: None.

The bill passed.

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **SB 64**, and requests return of the bill.

The Senate concurs in House amendments to **SB 72**.

The Senate concurs in House amendments to **SB 85**.

The Senate concurs in House amendments to **SB 163**.

The Senate concurs in House amendments to **SB 178**.

The Senate nonconcurs in House amendments to **SB 19**, 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 **Sub. SB 28**, 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 30**, 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 33**, requests a conference and has appointed Senators Barnett, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 41**, 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 44**, 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 45**, 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 87**, 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 97**, requests a conference and has appointed Senators Donovan, Lynn and Holland as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 98**, requests a conference and has appointed Senators Donovan, D. Schmidt and Holland as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 134**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 154**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 168**, requests a conference and has appointed Senators V. Schmidt, Apple and Hensley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 237**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 253**, requests a conference and has appointed Senators Reitz, Wagle and Kultala as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 275**, requests a conference 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 **Sub. HB 2008** and has appointed Senators Schodorf, Vratil and Hensley 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 2126** 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 2172** and has appointed Senators Donovan, D. Schmidt and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2214** 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 HB 2219** and has appointed Senators Emler, Vratil and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2292** 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 HB 2354** 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 **SB 19**.

Speaker O'Neal thereupon appointed Reps. Neufeld, Bowers 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 **Sub. SB 28**.

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 **SB 30**.

Speaker O'Neal thereupon appointed Reps. Yoder, Watkins 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 33**.

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 **SB 41**.

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 44**.

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 45**.

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 87**.

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 97**.

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 **H. Sub. for SB 98**.

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 **SB 134**.

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 154**.

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 168**.

Speaker O'Neal thereupon appointed Reps. Watkins, 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 **SB 237**.

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 253**.

Speaker O'Neal thereupon appointed Reps. Powell, Fund and Svaty 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 275**.

Speaker O'Neal thereupon appointed Reps. A. Brown, Proehl and Grant as conferees on the part of the House.

CHANGE OF REFERENCE

Speaker O'Neal announced the following bills are withdrawn from the calendar under the heading, General Orders, and rereferred to the following committees:

Insurance: **H. Sub. for SB 126.**

Local Government: **HB 2253.**

REPORT ON ENGROSSED BILLS

HB 2275, HB 2323, HB 2353, HB 2360, HB 2373, HB 2383 reported correctly engrossed March 25, 2009.

HB 2171 reported correctly re-engrossed March 25, 2009.

REPORT ON ENROLLED BILLS

HB 2236, HB 2297, HB 2311 reported correctly enrolled, properly signed and presented to the governor on March 25, 2009.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Monday, March 30, 2009.

Journal of the House

FIFTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 30, 2009, 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.
Reps. Bethell and Neufeld were excused on legislative business.

Prayer by Chaplain Brubaker:

Dear Lord,
When we look at the
great scheme of things,
we recognize that You, God,
can make all the difference.
We come daily to set a
course for this state.
Each day we make
judgments and decisions
that we trust lead us in the right direction.
We need your wisdom to
guide us every step of the way.
We invite You to make the difference
in our work and efforts.
In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Lukert.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Lane are spread upon the journal:

Today I have the honor of presenting the Highland Park High School Scots basketball team. The Highland Park High School boys basketball team won the 2009 Kansas High School Activities Association Class 5A State Basketball Championship with a thrilling 54-52 victory of Bishop Miege High School with a lay up by Michael Copeland at the buzzer.

For the 2008-2009 season the team accomplished the following goals: The Oklahoma City Chesapeake Challenge High School Tournament Champions, The Topeka Invitational Tournament Champions, Centennial League Champions, 5A Sub State Tournament Champions, and the 5A State Champions.

This is the third year in a row the Scots have been the 5A State Champions!

It is my pleasure to introduce the team: A.J. Downing, Shaka Thomas, Spencer Moore, Canon Fields, Joseph Wakefield, Demarco Ewing, V.R. Barber, Jeramiah Brook, Elizabeth Tyree, DaVonte Grant, Rico Richardson, Desmond Ogles, and Michael Copeland. Also, Head Coach Ken Darting; Assistant Coaches Jim Bauersfeld, Mike Calhoun, Michael Jackson, and Reid Hein; Student Coaches, Isiah Smith and Chris Cushinberry; and Managers, Chanaya Kershner, LeOra Birch and Trense Wheeler.

Also accompanying the team are the Scots Principal, Dale Cushinberry; Associate Principal, Jaimie Cueves; and Athletic Director, Toby Melster.

Please join me in congratulating the Highland Park Scots, the 2009 5A State Champions!

CHANGE OF REFERENCE

Speaker O'Neal announced the following bills appearing on the calendar under the heading, General Orders, are rereferred to the following committee:

Elections: **H. Sub. for SB 3; SB 55, SB 56.**

MESSAGES FROM THE GOVERNOR

HB 2004, HB 2091, HB 2092, HB 2142 approved on March 26, 2009.

Also, **HB 2003, HB 2007, HB 2054, HB 2143, HB 2157, HB 2188, HB 2197, HB 2207, HB 2232, HB 2236, HB 2270, HB 2297, HB 2311, HB 2321, HB 2339** approved on March 27, 2009.

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 184; SB 326.**

Announcing passage of **HB 2001, HB 2059, HB 2111, HB 2165, HB 2343, HB 2359.**

Announcing passage of **HB 2072**, as amended by **S. Sub. for HB 2072; HB 2097**, as amended by **S. Sub. for HB 2097. HB 2115**, as amended by **S. Sub. for HB 2115; HB 2152**, as amended; **HB 2155**, as amended; **HB 2162**, as amended; **HB 2250**, as amended; **HB 2260**, as amended by **S. Sub. for HB 2260; HB 2308**, as amended; **HB 2324**, as amended.

The Senate nonconcurrs in House amendments to **SB 158**, requests a conference and has appointed Senators Owens, Schodorf and Haley as conferees on the part of the Senate.

Announcing adoption of **HCR 5018.**

Announcing rejection of **HB 2164.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 184; SB 326.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 158.**

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2180, An act concerning alcoholic beverages; amending K.S.A. 41-2637, 41-2641 and 41-2642 and K.S.A. 2008 Supp. 41-719 and 41-2645 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 13; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, 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, Huntington, Jack, Kerschen, King, Kinzer, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Palmer, Patton, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crum, DeGraaf, Huebert, Johnson, Kelley, Kiegerl, Knox, Mast, Myers, Otto, Pauls, Peck, Schroeder.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The bill passed, as amended.

HB 2331. An act concerning investment of state moneys; relating to the state treasurer; amending K.S.A. 2-3705 and K.S.A. 2008 Supp. 75-4272 and 75-4280 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, 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, Huntington, Jack, Johnson, Kelley, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The bill passed, as amended.

Sub. HB 2340. An act concerning the parole board; relating to factors and rationale used to determine parole; amending K.S.A. 2008 Supp. 22-3717 and 75-4319 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, 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, Huntington, Jack, Johnson, Kelley, 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, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Otto, Schroeder, Schwartz.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The substitute bill passed, as amended.

HB 2356. An act concerning child care facilities; amending K.S.A. 65-504 and 65-512 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, 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, Huntington, Jack, Johnson, Kelley, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Pres-

cott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The bill passed, as amended.

HCR 5012, A Concurrent Resolution memorializing the State of Kansas' desire for the United States Army Corps of Engineers to undertake a study of the Missouri River Basin under the auspices of the Flood Control Act of 1944, 33 C.F.R. 701 et seq., commonly known as the Pick Sloan Act, in order to provide the best information and service to all states in the Missouri River Basin, which includes major Missouri River tributaries in the State of Kansas, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, 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, Huntington, Jack, Johnson, Kelley, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The resolution was adopted.

HCR 5013, A Concurrent Resolution memorializing that the appointed United States Assistant Secretary of the Army for Civil Works should form a relationship with and continue to partner with the State of Kansas in order to protect, preserve and extend the productive lives of reservoirs in Kansas, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, 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, Huntington, Jack, Johnson, Kelley, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The resolution was adopted.

HR 6011. A resolution requesting the State Corporation Commission to convene a group of stakeholders to study certain aspects of energy storage and to address cost recovery for and earnings on certain investments relating to energy storage, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, 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, Huntington, Jack, Johnson, Kelley, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The resolution was adopted, as amended.

HR 6018. A resolution encouraging the Kansas Electric Transmission Authority to continue to participate in dockets of the State Corporation Commission concerning the transmission of electricity in Kansas, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, 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, Huntington, Jack, Johnson, Kelley, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The resolution was adopted.

HR 6022. A resolution supporting the Airborne Laser Program and urging the United States Congress to provide the necessary funding for the on-going development and operation of the program, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, 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, Huntington, Jack, Johnson, Kelley, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The resolution was adopted.

SB 29, An act concerning the state board of technical professions; relating to licensure; amending K.S.A. 74-7003, 74-7009, 74-7013, 74-7018, 74-7021, 74-7022, 74-7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036 and 74-7041 and repealing the existing sections; also repealing K.S.A. 74-7043, 74-7044 and 74-7045, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 11; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, 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, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Donohoe, Faber, Gordon, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, McLeland, Watkins.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The bill passed, as amended.

SB 53, An act concerning cereal malt beverages; relating to discretion by cities in granting and suspending or revoking a retailer's license; amending K.S.A. 2008 Supp. 41-2703 and 41-2708 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 10; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schwab, Schwartz, Seiwert, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brunk, Faber, Feuerborn, Kinzer, Knox, Pauls, Schroeder, Shultz, Vickrey, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The bill passed, as amended.

SB 204. An act concerning cities; relating to annexation, was considered on final action.

On roll call, the vote was: Yeas 77; Nays 46; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Bowers, A. Brown, T. Brown, Brunk, Burgess, Carlson, Craft, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Frownfelter, Fund, S. Gatewood, Goico, Gordon, Goyle, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Mah, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Navinsky, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Roth, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Svaty, Talia, Watkins, Wetta, Williams, B. Wolf, K. Wolf, Worley.

Nays: Benlon, Brookens, Burroughs, Carlin, Colloton, Crow, Crum, Davis, Dillmore, Flaharty, Furtado, Garcia, D. Gatewood, George, Grange, Grant, Hawk, Henderson, Henry, Kleeb, Kuether, Loganbill, Long, Lukert, Menghini, Myers, Neighbor, Peterson, Phelps, Rardin, Rhoades, Ruiz, Sawyer, Schroeder, Slattery, Spalding, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Vickrey, Ward, Whitham, Winn, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The bill passed, as amended.

SB 212. An act concerning alcoholic beverages; concerning shipment of wines; amending K.S.A. 41-305 and K.S.A. 2008 supp. 41-308a and 41-317 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 41-348 and 41-349, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 12; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, 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, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kelley, Kerschen, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Palmer, Patton, Peterson, Phelps, Pottorff, Powell, Prescott, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crum, Huebert, Kiegerl, Kinzer, Knox, Landwehr, Mast, Otto, Pauls, Peck, Proehl, Siegfried.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The bill passed, as amended.

SB 225. An act concerning the low-income family postsecondary savings accounts incentive program; amending K.S.A. 2008 Supp. 75-650 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 17; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, 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, Huntington, Jack, Johnson, Kerschen, Kiegerl, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty,

Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Brunk, Donohoe, Faber, Gordon, Huebert, Kelley, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, O'Brien, Peck, Schwartz.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The bill passed, as amended.

H. Sub. for SB 254. An act relating to annexation; amending K.S.A. 2008 Supp. 12-520 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 15; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Aurand, Burroughs, Carlin, Colloton, S. Gatewood, George, Hawk, Kinzer, Kuether, Loganbill, Menghini, Swanson, Ward, Watkins, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The substitute bill passed.

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

The Senate nonconcur in House amendments to **SB 35**, requests a conference and has appointed Senators Wysong, Lynn and Holland as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 68**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 160**, requests a conference and has appointed Senators Wysong, Lynn and Holland 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 **SB 35**.

Speaker O'Neal thereupon appointed Reps. Schwartz, M. Holmes and Garcia as conferees on the part of the House.

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

Speaker 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 160**.

Speaker O'Neal thereupon appointed Reps. Brunk, Grange and Ruiz as conferees on the part of the House.

CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Rep. Swenson as a member of the conference committees on **HB 2052**, **HB 2214** to replace Rep. Dillmore.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Schwartz, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2072** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Schwartz, Shultz and Flaharty as conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2115** 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 nonconcurrred in Senate amendments to **HB 2152** 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. Schwartz, the House nonconcurrred in Senate amendments to **HB 2155** 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. Kinzer, the House nonconcurrred in Senate amendments to **HB 2250** 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. Brunk, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2260** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Brunk, Grange and Ruiz as conferees on the part of the House.

In accordance with House Rule 1507, the following bills were stricken from the March 30, 2009 House Calendar:

SB 31, SB 37, SB 89, SB 105, SB 119, SB 139, SB 159, SB 162, SB 183.

REPORT ON ENGROSSED BILLS

HB 2180, HB 2331, HB 2356 reported correctly engrossed March 26, 2009.

REPORT ON ENGROSSED RESOLUTIONS

HR 6011 reported correctly engrossed March 26, 2009.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Tuesday, March 31, 2009.

Journal of the House

FIFTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 31, 2009, 9:00 a.m.

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

The roll was called with 123 members present.

Rep. Bethell was excused on legislative business.

Rep. Kiegerl was excused on excused absence by the Speaker.

Present later: Reps. Bethell and Kiegerl.

Rep. Brunk was excused later in the day on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Justin Moxley, The Heartland Project, Olathe, guest and nephew of Rep. Moxley:

Dear Lord,

We thank you for the gift of another day. We recognize that you are the creator of all. It is only by your hand that we live and breathe. Lord we acknowledge that we are imperfect and a mess on our best days. We acknowledge that it is only through your grace and mercy that we have hope. Today we humbly ask for wisdom. Not wisdom that is from us but wisdom that comes only from you. The tasks of our day are too great for us to know all of the right answers, to know all of the right things to say, to know all of the right things to do. So we again acknowledge our great need for you. Lord, please give us ears to hear and eyes to see as you would direct and lead. We pray all this in the name of your son, Amen.

The Pledge of Allegiance was led by Rep. Maloney.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **Sub. SB 184.**

Appropriations: **SB 326.**

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **SB 9.**

The Senate concurs in House amendments to **SB 39.**

The Senate concurs in House amendments to **SB 60.**

The Senate concurs in House amendments to **SB 253**, and requests return of the bill.

The Senate nonconcurs in House amendments to **H. Sub. for SB 51**, requests a conference and has appointed Senators McGinn, Vratil and Francisco as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 254**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau 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 51.**

Speaker O'Neal thereupon appointed Reps. Schwartz, Kinzer and Svaty 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 254**.

Speaker O'Neal thereupon appointed Reps. Schwartz, M. Holmes and Garcia as conferees on the part of the House.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Henry, **HR 6020**, A resolution in memory of Richard Cameron, was adopted.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **S. Sub. for HB 2097** 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. 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 recommending a substitute bill to **Sub. HB 2365** be adopted; also, on motion of Rep. Kleeb be amended on page 1, in line 28, by striking "hire" and inserting "employ";

On page 2, in line 1, following the semicolon by inserting "or"; in line 3, by striking all after "year"; by striking all in lines 4 through 7; in line 8, by striking "tax year"; in line 14, after "profit," by inserting "making available to its full-time employees adequate health insurance coverage and paying at least 50% of the premium for such health insurance,;" in line 37, by striking the colon; in line 38, by striking "(1) Close down" and inserting "relocate"; in line 40, by striking "relocate" and inserting "locate"; also in line 40, by striking "employees" and inserting "jobs"; in line 41, by striking "as a" and inserting a period; by striking all in lines 42 and 43;

On page 3, by striking all in lines 1 through 8; in line 9, by striking "(4)" and inserting "A qualified company may"; also in line 9, by striking "a" and inserting "an unrelated"; in line 19, by striking "two" and inserting "five"; in line 22, by striking "100%" and inserting "95%"; in line 34, by striking "100%" and inserting "95%";

On page 4, in line 2, by striking "it shall be permissible for"; in line 3, by striking "to" where it appears the first time and inserting "shall"; in line 5, after "section" by inserting "to the qualified company, and report such amount to the department of revenue as required pursuant to subsection (a) of section 5, and amendments thereto"; in line 40, by striking the second comma; by striking all in lines 41 and 42; in line 43, by striking all before the period;

On page 5, in line 22, by striking "(a)"; in line 28, following "company" by inserting "or third party"; in line 31, by striking all after the period and inserting "The"; in line 33, after "company" by inserting "or third party"; also in line 33, by striking all after "act"; by striking all in line 34; in line 35, by striking all before the period; by striking all in lines 36 through 42;

On page 6, in line 1, by striking "committee on" and inserting "committees on taxation and assessment and"; also in line 1, by striking "committee" where it appears the second time; in line 2, by striking "on" and inserting "committees on taxation and"; after line 16, by inserting the following:

"Sec. 8. K.S.A. 2008 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 section 6, 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 pari-mutuel 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. 2008 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. 2008 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. 2008 Supp. 79-3234 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, on page 1, in line 9, after “act” by inserting “; amending K.S.A. 2008 Supp. 79-3234 and repealing the existing section”;

Also, on motion of Rep. Mah to amend **Sub. HB 2365**, 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. Mah to amend on page 6, after line 16 by inserting the following:

“New Section 8. As used in sections 8 through 19, and amendments thereto:

(a) “Construction” means any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing and adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, water works, parking facility, railroad, excavation or other structure, project, development, real property or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project, development, real property or improvement herein described of any material or article of merchandise. Construction shall also include moving construction related materials on the job site or to or from the job site.

(b) “Contractor” means any sole proprietor, partnership, limited partnership, firm, corporation, limited liability company, association or other business entity that registers with

the secretary of state who engages in construction. "Contractor" shall include a general contractor and a subcontractor.

(c) "Department" means the department of labor.

(d) "Secretary" means the secretary of labor.

(e) (1) "Employer" means any contractor that employs individuals deemed employees under section 9, and amendments thereto.

(2) "Employer" shall not include the:

(A) State of Kansas or its officers, agencies or political subdivisions; or

(B) federal government.

(f) (1) "Entity" means any contractor for which an individual is performing services and is not classified as an employee under section 9, and amendments thereto.

(2) "Entity" does not include the:

(A) State of Kansas or its officers, agencies or political subdivisions; or

(B) federal government.

(g) "Interested party" means a person with an interest in compliance with sections 8 through 19, and amendments thereto.

(h) "Performing services" means the performance of any construction.

New Sec. 9. (a) For the purposes of sections 8 through 19, and amendments thereto, an individual performing services for a contractor is deemed to be an employee of the employer except as provided in subsections (b) and (c).

(b) An individual performing services for a contractor is deemed to be an employee of the contractor unless it is shown that the:

(1) Individual has been and will continue to be free from control or direction over the performance of the service for the contractor, both under the contract of service and in fact;

(2) service performed by the individual is outside the usual course of services performed by the contractor; and

(3) individual is engaged in an independently established trade, occupation, profession or business, or is deemed a legitimate sole proprietor or partnership under subsection (c).

(c) The sole proprietor or partnership performing services for a contractor as a subcontractor is deemed legitimate if it is shown that:

(1) The sole proprietor or partnership is performing the service free from the direction or control over the means and manner of providing the service, subject only to the right of the contractor for whom the service is provided to specify the desired result;

(2) the sole proprietor or partnership is not subject to cancellation or destruction upon severance of the relationship with the contractor;

(3) the sole proprietor or partnership has a substantial investment of capital in the sole proprietorship or partnership beyond ordinary tools and equipment and a personal vehicle;

(4) the sole proprietor or partnership owns the capital goods and gains the profits and bears the losses of the sole proprietorship or partnership;

(5) the sole proprietor or partnership makes its services available to the general public or the business community on a continuing basis;

(6) the sole proprietor or partnership includes services rendered on a federal income tax schedule as an independent business or profession;

(7) the sole proprietor or partnership performs services for the contractor under the sole proprietorship's or partnership's name;

(8) when the services being provided require a license or permit, the sole proprietor or partnership obtains and pays for the license or permit in the sole proprietorship's or partnership's name;

(9) the sole proprietor or partnership furnishes the tools and equipment necessary to provide the service;

(10) if necessary, the sole proprietor or partnership hires its own employees without contractor approval, pays the employees without reimbursement from the contractor and reports the employees' income to the internal revenue service;

(11) the contractor does not represent the sole proprietorship or partnership as an employee of the contractor to its customers; and

(12) the sole proprietor or partnership has the right to perform similar services for others on whatever basis and whenever it chooses.

(d) Where a sole proprietor or partnership performing services for a contractor as a subcontractor is deemed not legitimate under subsection (c), the sole proprietorship or partnership shall be deemed an individual for purposes of sections 8 through 19, and amendments thereto.

(e) Subcontractors or lower tiered contractors are subject to all provisions of sections 8 through 19, and amendments thereto.

(f) Except as provided in section 14, and amendments thereto, a contractor shall not be liable under sections 8 through 19, and amendments thereto, for any subcontractor's failure to properly classify persons performing services as employees, nor shall a subcontractor be liable for any lower tiered subcontractor's failure to properly classify persons performing services as employees.

New Sec. 10. It is unlawful for an employer or entity not to designate an individual as an employee under section 9, and amendments thereto, unless the employer or entity satisfies the provisions of section 9, and amendments thereto.

New Sec. 11. (a) Any interested party may file a complaint with the department against an entity or employer covered under sections 8 through 19, and amendments thereto, if there is a reasonable belief that the entity or employer is in violation of sections 8 through 19, and amendments thereto. It shall be the duty of the department to enforce the provisions of sections 8 through 19, and amendments thereto. The department shall have the power to conduct investigations in connection with the administration and enforcement of sections 8 through 19, and amendments thereto. Any investigator with the department shall be authorized to visit and inspect, at all reasonable times, any places covered by sections 8 through 19, and amendments thereto, and shall be authorized to inspect, at all reasonable times, documents related to the determination of whether an individual is an employee under section 9, and amendments thereto. The secretary or the secretary's representative may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers and other evidence in any investigation and may administer oaths to witnesses.

(b) Whenever the department believes upon investigation that there has been a violation of any of the provisions of sections 8 through 19, and amendments thereto, or any authorized rules or regulations, the department may:

(1) Issue and cause to be served on any party an order to cease and desist from further violation;

(2) take affirmative or other action as deemed reasonable to eliminate the effect of the violation;

(3) collect the amount of any wages, salary, employment benefits or other compensation denied or lost to the individual; and

(4) assess any civil penalty pursuant to section 14, and amendments thereto.

(c) The civil penalties assessed by the department as well as any other relief requested by the department shall be recoverable in an action brought by the attorney general.

New Sec. 12. Criminal violations of sections 8 through 19, and amendments thereto, may be prosecuted by the attorney general or the district or county attorney for the county in which the violation occurred. Upon determining that a criminal violation may have occurred, the department shall refer the matter to the attorney general or the district or county attorney for the county in which the violation may have occurred. In all other proceedings, the department shall be represented by the attorney general's office.

New Sec. 13. Whenever it appears that any employer or entity has violated a valid order of the department issued under sections 8 through 19, and amendments thereto, the secretary may commence an action and obtain from the court an order commanding the employer or entity to obey the order of the department or be found guilty of contempt of court.

New Sec. 14. (a) An employer or entity that violates any of the provisions of sections 8 through 19, and amendments thereto, or any authorized rules and regulations upon a first violation shall be subject to a civil penalty not to exceed \$2,000 for each violation. An employer or entity shall be subject to a civil penalty not to exceed \$3,000 for each second or subsequent violation within a five-year period. For purposes of this section, each violation

of sections 8 through 19, and amendments thereto, for each person and for each day the violation continues shall constitute a separate and distinct violation. In determining the amount of a penalty, the secretary shall consider the appropriateness of the penalty to the employer or entity charged, upon the determination of the gravity of the violations. The amount of the penalty, when finally determined, may be recovered in a civil action filed in any court by the secretary, or a person aggrieved by a violation of sections 8 through 19, and amendments thereto, or any authorized rules and regulations. In any civil action brought by an interested party pursuant to this section, the court shall award the interested party 10% of the amount recovered. In such case, the remaining amount recovered shall be credited to the employee classification fund.

(b) For any second or subsequent violation which is within five-years of an earlier violation, the department shall add the employer or entity's name to a list to be posted on the department's official website. Upon such notice, the department shall notify the violating employer or entity. No state contract shall be awarded to an employer or entity appearing on the list until four years have elapsed from the date of the last violation.

(c) Any person who willfully violates any of the provisions of sections 8 through 19, and amendments thereto, or any authorized rules and regulations, or obstructs the secretary, or the secretary's representatives, or any other person authorized to inspect places of employment under sections 8 through 19, and amendments thereto, shall be liable for civil penalties up to double the amounts specified in subsection (a). Any person who willfully violates any of the provisions of sections 8 through 19, and amendments thereto, or any authorized rules and regulations, shall be liable to the employee for punitive damages in an amount equal to the penalties assessed in subsection (a). The penalties established pursuant to this subsection shall be imposed in cases in which an employer or entity's conduct is proven by a preponderance of the evidence to be willful.

(d) An entity or employer that willfully violates any provision of sections 8 through 19, and amendments thereto, or that knowingly conspires with, aids and abets or assists another entity or employer in violating any provision of sections 8 through 19, and amendments thereto, is guilty of a class C nonperson misdemeanor. An entity or employer that commits a second or subsequent violation within a five-year period is guilty of a severity level 10, nonperson felony.

New Sec. 15. (a) All moneys received by the department pursuant to sections 8 through 19, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. The state treasurer shall deposit the entire amount of the remittance in the state treasury and credit that portion of the remittance necessary to pay the expenses incurred by the office of the attorney general in carrying out its powers and duties under sections 8 through 19, and amendments thereto, to the attorney general employee classification fund, which is hereby created, and the remainder to the department of labor employee classification fund, which is hereby created.

(b) Subject to appropriations, all expenditures from the attorney general employee classification fund shall be used by the office of the attorney general for investigation, prosecution and other expenses incurred in carrying out its powers and duties under sections 8 through 19, and amendments thereto. All expenditures from the attorney general employee classification 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.

(c) Subject to appropriations, all expenditures from the department of labor employee classification fund shall be used by the department for administration, investigation and other expenses incurred in carrying out its powers and duties under sections 8 through 19, and amendments thereto. All expenditures from the department of labor employee classification 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.

New Sec. 16. (a) It is unlawful for an employer or entity, or any agent of an employer or entity, to retaliate through discharge or in any other manner against any person for exercising any rights granted under sections 8 through 19, and amendments thereto. Such retaliation shall subject an employer or entity to civil penalties pursuant to section 14, and amendments thereto, or a private cause of action, or both.

(b) It is unlawful for an employer or entity to retaliate against a person for:

(1) Making a complaint to an employer or entity, to a co-worker, to a community organization, before a public hearing, or to a state or federal agency that rights guaranteed under sections 8 through 19, and amendments thereto, have been violated;

(2) causing to be instituted any proceeding under or related to sections 8 through 19, and amendments thereto; or

(3) testifying or preparing to testify in an investigation or proceeding under sections 8 through 19, and amendments thereto.

New Sec. 17. (a) An interested party or person aggrieved by a violation of sections 8 through 19, and amendments thereto, or any authorized rules and regulations, by an employer or entity may file suit in court, in the county where the alleged offense occurred or where any person who is party to the action resides, without regard to exhaustion of any alternative administrative remedies provided in sections 8 through 19, and amendments thereto. Actions may be brought by one or more persons for and on behalf of themselves and other persons similarly situated. A person whose rights have been violated under sections 8 through 19, and amendments thereto, by an employer or entity is entitled to collect:

(1) The amount of any wages, salary, employment benefits or other compensation denied or lost to the person by reason of the violation, plus an equal amount in liquidated damages;

(2) compensatory damages and in amount up to \$500 for each violation of sections 8 through 19, and amendments thereto, or any authorized rules and regulations;

(3) in the case of unlawful retaliation, all legal or equitable relief as may be appropriate; and

(4) reasonable attorney's fees and costs.

(b) The right of an interested party or aggrieved person to bring an action under this section terminates upon the passing of three years from the final date of performing services to the employer or entity. This limitations period is tolled if an employer or entity has deterred a person's exercise of rights under sections 8 through 19, and amendments thereto.

New Sec. 18. (a) The department may adopt rules and regulations to implement and administer sections 8 through 19, and amendments thereto.

(b) Any finding made pursuant to sections 8 through 19, and amendments thereto, is for the purpose of enforcing sections 8 through 19, and amendments thereto, and may not be admissible or binding against a party in any other proceeding.

(c) The provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto, shall govern all administrative proceedings initiated under this section.

New Sec. 19. (a) There shall be no waiver of any provision of sections 8 through 19, and amendments thereto.

(b) It is a class C nonperson misdemeanor for an employer or entity to attempt to induce any individual to waive any provision of sections 8 through 19, and amendments thereto.

Sec. 20. K.S.A. 2008 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 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;

(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 pari-mutuel 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 com-

pensation 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 *sections 8 through 19* or K.S.A. 2008 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 *sections 8 through 19* or K.S.A. 2008 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. 21. K.S.A. 2008 Supp. 79-3234 is hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in line 9 and inserting “AN ACT concerning employment; creating the promoting employment across Kansas act; relating to misclassification of employees; amending K.S.A. 2008 Supp. 79-3234 and repealing the existing section.”;

Roll call was demanded.

On roll call, the vote was: Yeas 51; Nays 71; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Benlon, T. Brown, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hermanson, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Slattery, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bowers, Brookens, A. Brown, Brunk, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Grange, Hayzlett, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Gordon, Kiegerl.

The motion of Rep. Mah did not prevail.

Also, roll call was demanded on motion of Rep. D. Gatewood to amend **Sub. HB 2365** on page 2, in line 14, preceding “organized” by inserting “including a lottery gaming facility manager and a racetrack gaming facility manager as defined in K.S.A. 2008 Supp. 74-8702, and amendments thereto.”;

In the title, in line 9, preceding the period by inserting “including employment at lottery gaming facilities and racetrack gaming facilities”;

On roll call, the vote was: Yeas 44; Nays 79; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini,

Otto, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Benlon, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, Furtado, George, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, King, Kinzer, KleeB, Knox, Landwehr, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Kiegerl.

The motion of Rep. D. Gatewood did not prevail; and **Sub. HB 2365** 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 resolutions were thereupon introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5020—

By Representatives George and Neufeld

A CONCURRENT RESOLUTION designating the fourth Saturday in July as National Day of the Cowboy.

WHEREAS, Pioneering men and women, recognized as cowboys, helped establish the American West; and

WHEREAS, That cowboy spirit continues to infuse this country with its solid character, sound family values and good common sense; and

WHEREAS, The cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism; and

WHEREAS, Approximately 725,000 ranchers are conducting business in all 50 States and are contributing to the economic well being of nearly every county in the Nation; and

WHEREAS, Annual attendance at professional and working-ranch rodeo events exceeds 27 million fans and is the seventh most-watched sport in the United States; and

WHEREAS, The cowboy is an American icon and to recognize the cowboy is to acknowledge the on-going commitment of the United States to an esteemed and enduring code of conduct; and

WHEREAS, The on-going contributions made by cowboys to their communities should be recognized and encouraged: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we designate the fourth Saturday in July as National Day of the Cowboy and that we encourage the people of Kansas to observe the day with appropriate ceremonies and activities; and

Be it further resolved: That the Secretary of State be directed to provide five enrolled copies of this resolution to Representative Pat George.

HOUSE CONCURRENT RESOLUTION No. 5021—

By Representatives George and Neufeld

A CONCURRENT RESOLUTION recognizing the contributions of the Kansas Cowboy Hall of Fame.

WHEREAS, The Kansas Cowboy Hall Of Fame is a project of Boot Hill Museum and was developed to preserve and honor the life of the Kansas cowboy. The five inductees each year are honored for their outstanding contribution to the western heritage lifestyle, past and present, and to the preservation of the cowboy culture. The five categories of inductees are Rancher/Cattleman, Cowboy Entertainer, Cowboy Historian, Working Cowboy and Rodeo Cowboy; and

WHEREAS, Without Kansas, the cowboy as we know him—America’s greatest folk hero, the core of our national identity and the embodiment of our philosophy of self reliance—would never have come into existence; and

WHEREAS, Dodge City is synonymous with the cowboy and the community is dedicated to preserving the cowboy way of honesty and integrity; and

WHEREAS, Whether you are getting down on that bronc in the chute, backing in the roping box, a working cowboy making a living, watching your favorite western movie, on vacation enjoying a trail ride or just pulling on your boots and hat to go to a rodeo, you are living the cowboy life: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we recognize and thank the Kansas Cowboy Hall of Fame for its contributions to preserving the cowboy way of life that is inherent in the American spirit; and

Be it further resolved: That the Secretary of State be directed to provide five enrolled copies of this resolution to Representative Pat George.

MESSAGE FROM THE SENATE

The Senate nonconcur in House amendments to **SB 66**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 212**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 225**, requests a conference and has appointed Senators Schodorf, Vratil and Kelly 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 2260** and has appointed Senators Wysong, Lynn and Holland as conferees on the part of the Senate.

The Senate adopts conference committee report on **S. Sub. for HB 2354**.

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 passage of **HB 2221**, as amended.

Announcing adoption of **HCR 5015**.

The Senate nonconcur in House amendments to **H. Sub. for SB 91**, requests a conference and has appointed Senators Reitz, Wagle and Faust-Goudeau 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 2072** and has appointed Senators Vratil, McGinn and Kelly 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 2115** 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 2152** 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 2250** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The President announced the appointment of Senator Hensley as a member of the conference committee on **SB 225** to replace Senator Kelly.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 66**.

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 91**.

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 **SB 212**.

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 **SB 225**.

Speaker O'Neal thereupon appointed Reps. Huntington, Rhoades and Mah as conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Senate Substitute for HB 2354**, 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 29, by striking the first "and" and inserting a comma;
- On page 12, in line 2, by striking "\$8,231,690" and inserting "\$8,495,544";
- On page 14, in line 36, by striking "\$895,096" and inserting "\$932,476";
- On page 16, in line 2, by striking "\$1,812,999" and inserting "\$1,874,499"; in line 27, by striking "\$139,977" and inserting "\$152,768"; in line 41, by striking "\$750,076" and inserting "\$766,076";
- On page 18, in line 41, by striking "\$2,762,312" and inserting "\$2,820,232";
- On page 20, in line 34, by striking "\$266,706" and inserting "\$283,863";
- On page 26, in line 24, by striking "\$16,113,762" and inserting "\$17,031,301";
- On page 27, in line 30, by striking all following "meeting"; by striking all in lines 31 through 39; in line 40, by striking all preceding the period;
- On page 29, in line 15, by striking all following "meeting"; by striking all in lines 16 through 23; in line 24, by striking all preceding the period;
- On page 30, in line 12, by striking "\$2,422,600" and inserting "\$2,424,333"; in line 18, by striking "\$4,078,506" and inserting "\$4,153,111"; in line 25, by striking "\$963,352" and inserting "\$975,076";
- On page 33, in line 17, by striking "\$4,225,896" and inserting "\$4,403,577";
- On page 44, in line 10, by striking "\$1,177,003" and inserting "\$1,658,928"; in line 12, preceding the period by inserting ": *Provided further*, That \$251,834 shall be expended from this account for technology improvements and professional development before June 30, 2010";
- On page 45, in line 28, by striking "\$11,993,011" and inserting "\$11,993,010";
- On page 47, in line 5, by striking "\$100,803,728" and inserting "\$111,473,614";
- On page 49, in line 36, by striking "\$68,414,349" and inserting "\$66,885,884"; in line 40, by striking "\$9,205,165" and inserting "\$11,041,630";
- On page 52, in line 34, by striking "\$15,497,254" and inserting "\$16,290,795";
- On page 53, following line 33, by inserting the following:
 - "(g) (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 2010 for the state corporation commission as authorized by this or other appropriation act of the 2009 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 2010 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 2010 shall not exceed \$98,413.

(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 2011 for the state corporation commission as authorized by this or other appropriation act of the 2009 regular session of the legislature or by any 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, if the total expenditures for such purpose authorized by the expenditure limitation prescribed by this subsection (g) for fiscal year 2010 are not expended or encumbered for fiscal year 2010, then the amount equal to the amount of such unexpended or encumbered expenditure authority for fiscal year 2010 remaining may be expended by the state corporation commission from the public service regulation fund for fiscal year 2011 for expenses incurred by the Kansas electric transmission authority and any such expenditures for fiscal year 2011 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 2011.”;

Also on page 53, in line 41, by striking “\$772,118” and inserting “\$806,222”;

On page 60, in line 39, by striking “\$0” and inserting “No limit”;

On page 71, in line 20, by striking “\$1,517,348” and inserting “\$1,604,271”;

On page 72, in line 6, by striking “\$18,984,261” and inserting “\$19,244,024”;

On page 90, following line 5, by inserting the following:

“Sec. 56.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2010, the following:

Operations, assistance and grants (including official hospitality) \$10,494,718
Provided, That any unencumbered balance in the operations, assistance and grants (including official hospitality) account as of June 30, 2009, is hereby reappropriated for fiscal year 2010: *Provided further*, That expenditures from the operations, assistance and grants (including official hospitality) account for the fiscal year 2010 for salary and wages shall not exceed \$1,376,416.

(b) 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:

MAMTC federal fund	No limit
KTEC special revenue fund	No limit

(c) No moneys appropriated for the fiscal year ending June 30, 2010, by this or other appropriation act of the 2009 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. 08-09, which was filed with the secretary of state and was effective on June 15, 2008.

(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 2010 for the Kansas technology enterprise corporation as authorized by this or other appropriation act of the 2009 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 2010, 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 2010, that are equivalent to the provisions of the governor's executive order no. 08-09, or a succeeding executive order of the governor for fiscal year 2010, 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 2010.”;

And renumbering sections accordingly;

On page 94, in line 40, by striking “\$6,604,483” and inserting “\$6,932,948”;

On page 96, in line 2, by striking “\$49,875” and inserting “\$49,375”; in line 6, by striking “\$338,017” and inserting “\$95,017”; following line 21, by inserting the following:

“PKU treatment..... \$208,000”;

On page 99, by striking all in lines 40 through 43;

On page 110, in line 32, preceding the period by inserting “: *And provided further*, That notwithstanding the provisions of K.S.A. 2008 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 2010”; in line 43, by striking “\$1,841,286” and inserting “\$1,814,286”;

On page 115, in line 10, by striking “\$18,314,609” and inserting “\$19,514,609”;

On page 116, by striking all in lines 11 through 17;

And relettering remaining subsections accordingly;

On page 117, in line 5, by striking “\$116,760,455” and inserting “\$115,470,727”;

On page 118, in line 10, by striking “\$17,431,428” and inserting “\$17,343,956”;

On page 119, in line 28, by striking “\$57,215,055” and inserting “\$61,215,055”;

On page 120, in line 2, by striking “\$43,928,974” and inserting “\$45,210,781”;

On page 128, in line 14, by striking “\$11,145,231” and inserting “\$11,077,070”; in line 36, by striking “\$374,253,137” and inserting “\$369,788,630”;

On page 129, in line 9, by striking “\$2,022,535,466” and inserting “\$2,001,654,934”;

On page 133, following line 23, by inserting the following:

“(f) On the effective date of this act, of the amount reapropriated for the above agency for the fiscal year ending June 30, 2009, by section 6(a) of chapter 184 of the 2008 Session Laws of Kansas from the state general fund in the Kansas career pipeline grant account, the sum of \$8,305 is hereby lapsed.”;

Also on page 133, in line 28, by striking “\$1,727,355” and inserting “\$1,726,546”; in line 34, by striking “\$3,124,712” and inserting “\$3,192,912”; in line 39, by striking “\$2,052,972” and inserting “\$2,121,197”; in line 41, by striking “\$475,804” and inserting “\$475,779”;

On page 135, in line 14, by striking “\$142,500” and inserting “\$140,625”;

On page 136, in line 35, by striking “\$5,308,529” and inserting “\$5,573,466”; in line 41, by striking “\$70,188” and inserting “\$72,374”;

On page 138, in line 37, by striking “\$32,440,402” and inserting “\$34,386,996”; in line 41, by striking “\$137,382” and inserting “\$139,257”; in line 42, by striking “\$282,466” and inserting “\$287,576”;

On page 141, in line 2, by striking “hays” and inserting “Hays”; preceding line 3, by inserting the following:

“*Provided*, That expenditures made from the federal higher education fiscal stabilization fund—Fort Hays state university shall be expended only for deferred maintenance.”;

Also on page 141, in line 13, by striking “hays” and inserting “Hays”; following line 13, by inserting the following material to read as follows:

“*Provided*, That expenditures made from the federal higher education fiscal stabilization fund—Fort Hays state university shall be expended only for deferred maintenance.”;

Also on page 141, in line 18, by striking “\$102,138,369” and inserting “\$109,301,449”; in line 22, by striking “\$137,625” and inserting “\$139,500”;

On page 144, following line 3, by inserting the following:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university shall be expended only for deferred maintenance.”;

Also on page 144, following line 14, by inserting the following:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university shall be expended only for deferred maintenance.”;

Also on page 144, in line 21, by striking “\$19,472,577” and inserting “\$19,738,609”; in line 26, by striking “\$29,508,814” and inserting “\$31,504,132”;

On page 145, following line 41, by inserting the following:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university extension systems and agriculture research programs shall be expended only for deferred maintenance.”;

On page 146, following line 23, by inserting the following:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university extension systems and agriculture research programs shall be expended only for deferred maintenance.”;

Also on page 146, in line 28, by striking “\$9,853,407” and inserting “\$10,460,071”;

On page 147, following line 35, by inserting the following:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university veterinary medical center shall be expended only for deferred maintenance.”;

On page 148, following line 3, by inserting the following:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university veterinary medical center shall be expended only for deferred maintenance.”;

Also on page 148, in line 8, by striking “\$30,703,760” and inserting “\$32,633,306”; in line 12, by striking “\$222,851” and inserting “\$225,887”; in line 13, by striking “\$133,740” and inserting “\$135,562”;

On page 150, following line 5, by inserting the following:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Emporia state university shall be expended only for deferred maintenance.”;

Also on page 150, following line 16, by inserting the following:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Emporia state university shall be expended only for deferred maintenance.”;

Also on page 150, in line 21, by striking “\$33,807,357” and inserting “\$35,800,245”;

On page 152, following line 16, by inserting the following:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Pittsburg state university shall be expended only for deferred maintenance.”;

Also on page 152, following line 28, by inserting the following:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Pittsburg state university shall be expended only for deferred maintenance.”;

Also on page 152, in line 33, by striking “\$127,861,708” and inserting “\$136,333,684”; in line 37, by striking “\$6,183,591” and inserting “\$6,268,088”; in line 41, by striking “\$137,494” and inserting “\$139,369”;

On page 155, following line 4, by inserting the following:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—university of Kansas shall be expended only for deferred maintenance.”;

Also on page 155, in line 17, by striking “\$28,800” and inserting “\$34,400”; following line 31, by inserting the following:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—university of Kansas shall be expended only for deferred maintenance.”;

Also on page 155, in line 36, by striking “\$103,957,001” and inserting “\$108,184,188”;

On page 156, in line 5, by striking “\$4,573,150” and inserting “\$4,635,650”;

On page 158, following line 8, by inserting the following:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—university of Kansas medical center shall be expended only for deferred maintenance.”;

Also on page 158, following line 33, by inserting the following:
“Provided, That expenditures made from the federal higher education fiscal stabilization fund—university of Kansas medical center shall be expended only for deferred maintenance.”;

Also on page 158, in line 38, by striking “\$67,094,198” and inserting “\$68,930,425”;

On page 160, following line 27, by inserting the following:
“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Wichita state university shall be expended only for deferred maintenance.”;

Also on page 160, following line 42, by inserting the following:
“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Wichita state university shall be expended only for deferred maintenance.”;

On page 161, in line 6, by striking “\$3,345,276” and inserting “\$3,475,892”;

On page 162, in line 38, preceding the period, by inserting “: *Provided further, That all expenditures from the military service scholarships account shall be made for scholarships awarded under the military service scholarship program act*”;

On page 163, in line 16, by striking “\$11,199,070” and inserting “\$11,636,840”; in line 18, by striking “\$31,410,031” and inserting “\$32,637,844”; in line 21, by striking “\$1,491,540” and inserting “\$1,548,998”; in line 22, by striking “\$98,140,255” and inserting “\$101,976,543”; in line 24, by striking “\$407,319” and inserting “\$423,241”; in line 30, by striking “education” and inserting “regents”; in line 31, by striking “\$74,165” and inserting “\$76,035”; in line 37, by striking all following “That”; by striking all in lines 38 through 43;

On page 164, by striking all in lines 1 through 12; in line 13, by striking all preceding the period and inserting “all expenditures from the nurse educator grant program account shall be made for scholarships awarded under the nurse educator service scholarship program act”; in line 14, by striking “\$1,829,873” and inserting “\$1,900,000”; in line 27, by striking “\$739,160” and inserting “\$767,693”; by striking all in lines 28 through 36; following line 43, by inserting the following:

“Unified operating grant..... \$424,921”;

On page 167, following line 19, by inserting the following:
“Provided, That all moneys credited to the federal higher education fiscal stabilization fund shall be expended only for deferred maintenance.”;

Also on page 167, following line 21, by inserting the following:
“Provided, That all moneys credited to the federal higher education fiscal stabilization fund—community colleges shall be expended only for deferred maintenance.”;

Also on page 167, following line 23, by inserting the following:
“Provided, That all moneys credited to the federal higher education fiscal stabilization fund—municipal university shall be expended only for deferred maintenance.”;

Also on page 167, following line 25, by inserting the following:
“Provided, That all moneys credited to the federal higher education fiscal stabilization fund—postsecondary technical education shall be expended only for deferred maintenance.”;

Also on page 167, in line 43, by striking “year ending” and inserting “years ending June 30, 2009, and”;

On page 168, in line 6, by striking “year ending” and inserting “years ending June 30, 2009, and”; in line 15, by striking “or”; in line 25, preceding the period, by inserting “of such institutions, or (3) a federal fiscal stabilization fund of a community college, the municipal university or an institution of postsecondary technical education”;

On page 169, by striking all in lines 27 through 43;

On page 170, by striking all lines 1 through 20;

And by relettering the remaining subsections accordingly;

On page 171, following line 39, by inserting the following:

“Provided, That all moneys credited to the federal higher education fiscal stabilization fund shall be expended only for deferred maintenance.”;

Also on page 171, following line 41, by inserting the following:

“Provided, That all moneys credited to the federal higher education fiscal stabilization fund—community colleges shall be expended only for deferred maintenance.”;

Also on page 171, following line 43, by inserting the following:

“Provided, That all moneys credited to the federal higher education fiscal stabilization fund—municipal university shall be expended only for deferred maintenance.”;

On page 172, following line 2, by inserting the following:

“Provided, That all moneys credited to the federal higher education fiscal stabilization fund—postsecondary technical education shall be expended only for deferred maintenance.”;

Also on page 172, in line 32, by striking “\$47,474,380” and inserting “\$48,120,630”;

On page 177, in line 28, by striking “\$3,430,891” and inserting “\$3,641,968”;

On page 178, in line 21, by striking “\$3,838,351” and inserting “\$3,878,689”; in line 41, by striking “\$17,143,209” and inserting “\$16,932,132”;

On page 181, in line 18, by striking “\$20,188,218” by inserting “\$961,059”; in line 20, by striking all preceding “from” and inserting “70(g) of 2009 House Substitute for Substitute for Senate Bill No. 23.”; in line 21, by striking “operating expenditures” and inserting “purchase of services”;

On page 184, in line 8, by striking “\$0” and inserting “No limit”;

On page 187, in line 42, by striking “\$34,044,235” and inserting “\$34,603,615”;

On page 189, in line 31, by striking “\$18,985,357” and inserting “\$19,520,547”;

On page 190, in line 25, by striking “\$4,823,244.50” and inserting “\$4,957,042”;

On page 191, in line 7, by striking “(I)” and inserting “(i)”; in line 9, by striking “\$8,511,058.75” and inserting “\$8,650,903.75”; following line 16, by inserting the following:

*“(j) On July 1, 2009, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the vehicle identification number fee fund of the Kansas highway patrol to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the vehicle identification number fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the vehicle identification number 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 Kansas highway patrol by other state agencies which receive appropriations from the state general fund to provide such services.*

*(k) On July 1, 2009, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$300,000 from the highway patrol motor vehicle fund of the Kansas highway patrol to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the highway patrol motor vehicle fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the highway patrol motor vehicle 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 highway patrol by other state agencies which receive appropriations from the state general fund to provide such services.”;*

Also on page 191, in line 21, by striking “\$14,286,269” and inserting “\$15,384,913”;

On page 196, in line 40, by striking “\$662,746” and inserting “\$713,591”;

On page 197, in line 1, by striking “\$7,745,439” and inserting “\$8,134,151”; by striking all in lines 13 through 24;

On page 205, following line 12, by inserting the following:

“(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 129(a) of chapter 131 of the 2008 Session Laws of Kansas on the state fair fee fund is hereby increased from \$10,000 to \$15,000.”;

On page 225, in line 25, following “(a)”, by inserting “In addition to the other purposes for which expenditures may be made by the governor’s department from the governor’s department account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the governor’s department from the governor’s department account of the state general fund for fiscal year 2010 for an additional amount of biweekly compensation for the governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$4,300.55 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (a) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the governor for the biweekly pay periods which are chargeable to fiscal year 2010.

(b) (1) In addition to the other purposes for which expenditures may be made by the lieutenant governor from the operations account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the lieutenant governor from the operations account of the state general fund for fiscal year 2010 for an additional amount of biweekly compensation for the lieutenant governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$1,216.39 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (b) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the lieutenant governor for the biweekly pay periods which are chargeable to fiscal year 2010.

(2) In addition to the other purposes for which expenditures may be made by the lieutenant governor from the operations account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the lieutenant governor from the operations account of the state general fund for fiscal year 2010 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 lieutenant governor to the lieutenant governor at the rate prescribed by subsection (a)(1) of K.S.A. 75-3103, and amendments thereto, an aggregate amount of allowance of \$77.68 for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2010 and for each of the 25 ensuing two-week periods thereafter as reimbursement for expenses which are chargeable to fiscal year 2010, notwithstanding the provisions of subsection (a)(1) of K.S.A. 75-3103, and amendments thereto: *Provided*, That all expenditures under this subsection (b)(2) for such purposes shall be made in the same manner that such allowance is payable to the lieutenant governor for such two-week periods for which such allowance is payable in accordance with subsection (a)(1) of K.S.A. 75-3103, and amendments thereto, and which are chargeable to fiscal year 2010.

(c) In addition to the other purposes for which expenditures may be made by the secretary of state from one or more special revenue funds for the fiscal year ending June 30, 2010, expenditures shall be made by the secretary of state from one or more special revenue funds for fiscal year 2010 for an additional amount of biweekly compensation for the secretary of state equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,340.89 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (c) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the secretary of state for the biweekly pay periods which are chargeable to fiscal year 2010.

(d) In addition to the other purposes for which expenditures may be made by the attorney general from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the attorney general from the operating expenditures account of the state general fund for fiscal year 2010 for an additional amount of biweekly compensation for the attorney general equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,841.93 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (d)

for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the attorney general for the biweekly pay periods which are chargeable to fiscal year 2010.

(e) In addition to the other purposes for which expenditures may be made by the state treasurer from one or more special revenue funds for the fiscal year ending June 30, 2010, expenditures shall be made by the state treasurer from one or more special revenue funds for fiscal year 2010 for an additional amount of biweekly compensation for the state treasurer equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,340.89 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (e) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the state treasurer for the biweekly pay periods which are chargeable to fiscal year 2010.

(f) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance department service regulation fund for the fiscal year ending June 30, 2010, expenditures shall be made by the insurance department from the insurance department service regulation fund for fiscal year 2010 for an additional amount of biweekly compensation for the commissioner of insurance equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,340.89 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (f) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the commissioner of insurance for the biweekly pay periods which are chargeable to fiscal year 2010.

(g) (1) In addition to the other purposes for which expenditures may be made by each state agency from appropriations made for the fiscal year ending June 30, 2010, expenditures shall be made by each state agency from the appropriations made for fiscal year 2010 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of a board for any calendar day for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (g) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of a board for the biweekly pay periods for which such per diem compensation for calendar days which are chargeable to fiscal year 2010.

(2) As used in this subsection (g), (A) "state agency" means any state agency of the executive branch of state government (i) which has appropriations made for the fiscal year ending June 30, 2010, by this act or any other appropriation act of the 2009 regular session of the legislature, and (ii) which is, or which makes expenditures for, any board; and

(B) "board" means any board, commission, committee, task force, panel or other body in the executive branch of state government, including any advisory body, having one or more members who are entitled to receive per diem compensation for attendance at meetings of such body, or attendance at meetings authorized by such body of a subcommittee or other subsidiary group of such body, as provided in K.S.A. 75-3212 or 75-3223, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto.

(h) In addition to the other purposes for which expenditures may be made by the Kansas turnpike authority for the period commencing July 1, 2009, and ending June 30, 2010, expenditures shall be made by the Kansas turnpike authority for such period for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after July 1, 2009, for which per diem compensation is payable to such member of the Kansas turnpike authority under K.S.A. 68-2003, and amendments thereto, who is entitled, in accordance with K.S.A. 75-3223, and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212, and amendments

thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (h) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of the Kansas turnpike authority for the appropriate pay periods for which such per diem compensation for calendar days occurring on or after July 1, 2009, and prior to July 1, 2010, is payable by the Kansas turnpike authority.

(i) 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, 2010, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2010:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the legislature for service at the regular session or any special session of the legislature for any calendar day which is chargeable to fiscal year 2010; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the legislature and for any other public officer or person for any calendar day for which per diem compensation is payable from appropriations for the legislature to such member of the legislature, public officer or person under K.S.A. 75-3212 or 75-3223, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (i) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislature, public officials and persons for the biweekly pay periods for which such per diem compensation for calendar days is payable and which are chargeable to fiscal year 2010.

(j) (1) 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, 2010, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2010 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 \$357.69 for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2010 and for each of the 14 ensuing two-week periods thereafter, and (B) of \$357.69 for the two-week period which coincides with the biweekly payroll period which includes April 4, 2010, which is chargeable to fiscal year 2010 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 2010, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this subsection (j)(1) 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 (j)(1) and which are chargeable to fiscal year 2010.

(2) 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 (A) 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 of \$357.69, except as otherwise provided in this subsection (j)(2), 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) 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, if the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for the payroll periods chargeable to the fiscal year ending June 30, 2011, then the aggregate amount of allowance payable under this subsection (j)(2) for the two-week period which coincides with the first biweekly pay period that such increase is effective and each of the two-week periods thereafter, which are chargeable to fiscal year 2011 and for which such allowance is payable under this subsection (j)(2), shall be increased by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the aggregate amount of allowance otherwise payable under this subsection (j)(2): *Provided further*, That all expenditures under this subsection (j)(2) 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 (j)(2) and which are chargeable to fiscal year 2011.

(k) 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, 2010, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2010 for an additional amount of biweekly compensation for the following legislative officers equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation per biweekly pay period for such legislative officers as follows:

(1) For the president of the senate and the speaker of the house of representatives equal to the amount required to provide an aggregate amount of \$545.37 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2010;

(2) for the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives, and the assistant minority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$278.35 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2010;

(3) for the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations equal to the amount required to provide an aggregate amount of \$438.57 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2010;

(4) for the majority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$492.01 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2010; and

(5) for the minority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$492.01 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (k) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to such legislative officers under K.S.A. 46-137b, and amendments thereto, for the biweekly pay periods which are chargeable to fiscal year 2010.

(l) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from the legislative coordinating council—operations account of the

state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the legislative coordinating council from the legislative coordinating council—operations account of the state general fund for fiscal year 2010 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the legislative coordinating council for any calendar day for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209, and amendments thereto, to such member as provided in K.S.A. 75-3212, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (l) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative coordinating council for the biweekly pay periods for which such per diem compensation is payable for calendar days which are chargeable to fiscal year 2010.

(m) In addition to the other purposes for which expenditures may be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for fiscal year 2010:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the legislative post audit committee for any calendar day for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104, and amendments thereto, to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and which is chargeable to fiscal year 2010; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the contract audit committee for any calendar day for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1120, and amendments thereto, to such member as provided in K.S.A. 75-3223, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and which is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (m) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative post audit committee or contract audit committee for the biweekly pay periods for which such per diem compensation is payable for calendar days which are chargeable to fiscal year 2010.

(n) In addition to the other purposes for which expenditures may be made by the judicial branch from the judiciary operations account of the state general fund for the fiscal year ending June 30, 2010, expenditures shall be made by the judicial branch from the judiciary operations account of the state general fund for fiscal year 2010:

(1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the advisory council on dispute resolution for any calendar day for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505, and amendments thereto, who is entitled, in accordance with subsection (e) of K.S.A. 75-3223, and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and which is chargeable to fiscal year 2010; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616, and amendments thereto, for each calendar day for which per diem compensation is payable to such retired justice or judge

under K.S.A. 20-2616, and amendments thereto, and is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (n) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the advisory council on dispute resolution or to such retired justices or judges for the biweekly pay periods for which such per diem compensation is payable and which are chargeable to fiscal year 2010.

(o) In addition to the other purposes for which expenditures may be made by the judicial council from the operating expenditures account of the state general fund and one or more special revenue funds for the fiscal year ending June 30, 2010, expenditures shall be made by the judicial council from the operating expenditures account of the state general fund for fiscal year 2010 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$89.55 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day for which per diem compensation is payable to such member of the judicial council or a special committee thereof under K.S.A. 20-2206, and amendments thereto, at the rate of compensation in accordance with K.S.A. 75-3212, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a, and amendments thereto, and is chargeable to fiscal year 2010: *Provided*, That all expenditures under this subsection (o) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the judicial council or special committees thereof for the biweekly pay periods for which such per diem compensation is payable and which are chargeable to fiscal year 2010.

(p) In addition to the other purposes for which expenditures may be made by state agencies from one or more accounts of the state general fund and one or more special revenue funds in accordance with appropriations for the fiscal year ending June 30, 2010, made by this or other appropriation act of the 2009 regular session of the legislature for additional amounts of compensation for state officers and employees in accordance with the following:

(1) The governor is hereby authorized to modify the pay plan for the classified service under the Kansas civil service act for fiscal year 2010 in accordance with this subsection (p)(1) and to adopt such pay plan as so modified; the existing pay plan for fiscal year 2010 shall be modified to provide for (A) a base pay rate increase of 1.0% in the pay rates of such pay plan, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2010, (B) additional modifications to implement the recommendations of the state employee compensation oversight commission, including (i) the design, development and implementation of the five recommended pay plans, (ii) development and implementation of a new statewide employee performance management system for classified executive branch employees, and (iii) performing market salary surveys on one-third of the executive branch classified workforce annually, and (C) market adjustments to the job classes determined to be significantly below market salary rates, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2010, for positions in such job classifications; the pay plan adopted by the governor under this subsection (p)(1) shall be the pay plan for the classified service under the Kansas civil service act and shall be effective on the first day of the first biweekly payroll period which is specified therefor in this subsection (p)(1) and which is chargeable to the fiscal year ending June 30, 2010; the pay plan adopted by the governor under this subsection (p)(1) for fiscal year 2010 shall be subject to modification and approval as provided under K.S.A. 75-2938, and amendments thereto, and to any enactment of the legislature applicable thereto;

(2) The governor is hereby authorized to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act and whose salaries are subject to approval by the governor under K.S.A. 75-2935b or 75-2935c, and amendments thereto, to provide for base salary increases, to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending on June 30, 2010, for which the base salary increase is authorized in accordance

with this subsection (p)(2), and to be distributed from a salary increase pool: *Provided*, That for each biweekly payroll period which is chargeable to fiscal year 2010, the average of such increases shall not exceed an additional 1.0% of the base salaries of such officers and employees; and

(3) each elected state official of the executive branch of state government, including the state board of education, the state board of regents and the board of trustees of the Kansas public employees retirement system, in each such official, corporation or board's discretion, are hereby authorized to modify or to authorize the modification of the salaries of the state officers and employees of such official, corporation or board, who are in the unclassified service under the Kansas civil service act and whose salaries are not subject to approval by the governor under K.S.A. 75-2935b, and amendments thereto, to provide for base salary increases to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending June 30, 2010, for which the base salary increase is authorized in accordance with this subsection (p)(3), and to be distributed from a salary increase pool: *Provided*, That for each biweekly payroll period which is chargeable to fiscal year 2010, the average of such increases shall not exceed an additional 1.0% of the base salaries of such officers and employees of such official, corporation or board. The provisions of this subsection (p)(3) shall not authorize or provide any salary increase for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, or attorney general, or for any member of any state board, commission, council or committee receiving per diem compensation as provided by statute.

(q)";

Also on page 225, in line 43, by striking "(a)" and inserting "(q)";

On page 226, in line 10, by striking "(a)" and inserting "(q)"; by striking all in lines 13 through 17; in line 18, by striking "(c)" and inserting "(r)"; in line 24, by striking "(a)" and inserting "(q)";

On page 228, in line 20, by striking "\$0" and inserting "No limit";

On page 230, by striking all in lines 19 through 22;

On page 231, in line 10, by striking "\$3,636,655" and inserting "\$4,062,950";

On page 255, following line 14, by inserting the following to read as follows:

"(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 2010 or fiscal year 2011 as authorized by this or other appropriation act of the 2009 regular session of the legislature or by any appropriation act of the 2010 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 2010 or 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 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.";

On page 258, following line 8, by inserting the following:

“(d) On the effective date of this act, notwithstanding the provisions of chapter 167 or 201 of the 2007 Session Laws of Kansas, chapter 131, 156, 159, 160, 164, 172 or 184 of the 2008 Session Laws of Kansas, 2009 House Substitute for Substitute for Senate Bill No. 23, or this or any other appropriation act or any other act of the 2009 regular session or any other statute and notwithstanding the provisions of state finance council resolution no. 07-572, the approval of the state finance council for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for capital improvement projects to expand prison capacity, as set forth in state finance council resolution no. 07-572 pursuant to subsection (d) of section 185 of chapter 167 of the 2007 Session Laws of Kansas, and the authority of the Kansas development finance authority to issue any bonds on or after the effective date of this act to finance the cost of such capital improvement projects to expand prison capacity pursuant to such approval, are hereby modified as follows: (1) The limitation on the aggregate amount of revenue bonds authorized to be issued for capital improvement projects to expand prison capacity pursuant to subsection (d) of section 11 of chapter 184 of the 2008 Session Laws of Kansas is hereby decreased from \$19,525,000 to \$1,700,000 and (2) no moneys appropriated for the department of corrections or any correctional institution by chapter 131 or 184 of the 2008 Session Laws of Kansas, 2009 House Substitute for Substitute for Senate Bill No. 23, or this or any other appropriation act or any other act of the 2009 regular session for the fiscal years ending June 30, 2009, or June 30, 2010, shall be expended to authorize or enter into any contract or other agreement to initiate, implement or administer any actual construction work for any such capital improvement project to expand prison capacity prior to July 1, 2010, or to authorize any expenditure of any bond proceeds for any actual construction work for any such capital improvement project to expand prison capacity prior to July 1, 2010, or to authorize, request or otherwise provide for the issuance of any revenue bonds to finance any actual construction work for any such capital improvement project to expand prison capacity to commence, prior to July 1, 2010: *Provided*, That no bonds shall be issued by the Kansas development finance authority to finance any actual construction work for any such capital improvement project to expand prison capacity prior to July 1, 2010, and no money received as proceeds for any such revenue for any actual construction work for any such capital improvement project to expand prison capacity bonds shall be expended prior to July 1, 2010.”;

Also on page 258, in line 15, by striking “\$723,028” and inserting “\$797,198”;

On page 259, following line 16, by inserting the following:

“(b) On July 1, 2009, of the unencumbered balance in the land acquisition account of the state general fund in excess of \$100 as of June 30, 2009, the amount of \$57,717 is hereby reapportioned to the operating expenditures account of the attorney general—Kansas bureau of investigation for fiscal year 2010: *Provided*, That, if the unencumbered balance in the land acquisition account of the state general fund in excess of \$100 as of June 30, 2009, is less than \$57, 717, then any unencumbered balance in the land acquisition account of the state general fund in excess of \$100 as of June 30, 2009, is hereby reapportioned to the operating expenditures account of the attorney general—Kansas bureau of investigation for fiscal year 2010.”;

On page 261, in line 32, by striking “\$3,117,470” and inserting “\$2,617,470”;

On page 275, by striking all in lines 17 through 30 and inserting the following:

“Sec. 137. On July 1, 2009, K.S.A. 2008 Supp. 55-193, as amended by section 87 of 2009 House Substitute for Substitute for Senate Bill No. 23, 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; ~~and~~ (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.”;

On page 278, in line 3, by striking “the effective date of this act” and inserting “July 1, 2009”; in line 36, preceding “subject” by inserting “and on June 1, 2009.”;

On page 280, in line 21, by striking “the amount equal to 50% of”; in line 29, preceding “(C)” by inserting “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 June 1, 2009, and”;

On page 281, in line 43, by striking “the effective date of this act” and inserting “July 1, 2009”;

On page 282, in line 37, preceding “subject” by inserting “and on June 1, 2009.”;

On page 284, in line 17, by striking “the amount equal to 50% of”; in line 25, preceding “(C)” by inserting “and 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 June 1, 2009, and”;

On page 285, by striking all in lines 41 through 43;

By striking all on page 286;

On page 287, by striking all in lines 1 through 7 and inserting the following:

“Sec. 144. On July 1, 2009, K.S.A. 2008 Supp. 79-3425i, as amended by section 90 of 2009 House Substitute for Substitute for Senate Bill No. 23, is hereby amended to read as follows: 79-3425i. 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; (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) the amount of moneys transferred from the state general fund to the special city and county highway fund during state fiscal year 2010 on each such date shall not exceed ~~\$5,031,832~~ \$2,515,916; and (4) notwithstanding the provisions of K.S.A. 79-3425c and ~~75-3425~~ 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 county, \$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. 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, ~~2009~~ 2010, and June 30, ~~2010~~ 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.

Sec. 145. On July 1, 2009, K.S.A. 2008 Supp. 79-4801, as amended by section 92 of 2009 House Substitute for Substitute for Senate Bill No. 23, 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 year 2009, 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; ~~and~~ (b) all amounts credited to the state gaming revenues fund in fiscal year 2010 which are in excess of \$50,000,000 shall be transferred and credited to the state general fund on July 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 July 15, 2011, and shall be recorded and accounted for as receipts to the state general fund for fiscal year 2011.*

Sec. 146. On July 1, 2009, K.S.A. 2008 Supp. 82a-953a, as amended by section 93 of 2009 House Substitute for Substitute for Senate Bill No. 23, 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, ~~and~~ (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.* 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, and June 30, 2009, shall be considered revenue transfers from the state general fund.”;

Also on page 287, in line 8, by striking “the effective date of this act” and inserting “July 1, 2009”; in line 12, following “55-193,” by inserting “as amended by section 87 of 2009 House Substitute for Substitute for Senate Bill No. 23.”; in line 13, by striking “79-4801 and 82a-953a” and inserting “as amended by section 90 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-4801, as amended by section 92 of 2009 House Substitute for Substitute for Senate Bill No. 23, and 82a-953a, as amended by section 93 of 2009 House Substitute for Substitute for Senate Bill No. 23.”;

On page 289, by striking all in lines 15 through 43;

By striking all on page 290;

On page 291, by striking all in lines 1 through 26;

By renumbering the remaining sections accordingly;

In the title, in line 13, by striking “and” and inserting a comma; in line 18, by striking all following “amending”; in line 19, by striking “Kansas.”; in line 20, following “55-193,” by inserting “as amended by section 87 of 2009 House Substitute for Substitute for Senate Bill No. 23.”; in line 24, by striking “79-4801 and 82a-953a” and inserting “as amended by section

90 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-4801, as amended by section 92 of 2009 House Substitute for Substitute for Senate Bill No. 23, and 82a-953a, as amended by section 93 of 2009 House Substitute for Substitute for Senate Bill No. 23.”;

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

JAY SCOTT EMLER
CAROLYN MCGINN
LAURA KELLY

Conferees on part of Senate

KEVIN W. YODER
JASON P. WATKINS
BILL FEUERBORN

Conferees on part of House

Call of the House was demanded.

On motion of Rep. Yoder, the conference committee report on **S. Sub. for HB 2354** was adopted.

On roll call, the vote was: Yeas 71; Nays 53; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Bowers, Brookens, A. Brown, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Landwehr, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bethell, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Johnson, Knox, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Slattery, Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Brunk.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 45**, 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 15, by inserting the following:

“Section 1. K.S.A. 53-509 is hereby amended to read as follows: 53-509. The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by subsection (a) of K.S.A. 53-508:

(a) For an acknowledgment in an individual capacity:

State of _____)
(County) of _____)

This instrument was acknowledged before me on _____ (date) by _____ [name(s) of person(s)]

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)

[My appointment expires: _____]

(b) For an acknowledgment in a representative capacity:

State of _____
(County) of _____

This instrument was acknowledged before me on _____ (date) by _____ [name(s) of person(s)] as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed.)

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)

[My appointment expires: _____]

(c) For a verification upon oath or affirmation:

State of _____
(County) of _____

Signed and sworn to (or affirmed) before me on _____ (date) by _____ [name(s) of person(s)] making statement].

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)

[My appointment expires: _____]

(d) For witnessing or attesting a signature:

State of _____
(County) of _____

Signed or attested before me on _____ (date) by _____ [name(s) of person(s)]

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)

[My appointment expires: _____]

(e) For attestation of a copy of a document:

State of _____
(County) of _____

I certify that this is a true and correct copy of a document in the possession of _____

Dated: _____

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)

[My appointment expires: _____]

(f) For power of attorney in a representative capacity:

State of _____
(County) of _____

This instrument was signed before me on _____ (date) by _____ [name(s) of designee(s)] as (power of attorney) of (name of party on behalf of whom instrument was executed.)

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)

[My appointment expires: _____];

And by renumbering the remaining sections accordingly;

On page 6, in line 27, after "K.S.A." by inserting "53-509,";

In the title, in line 12, after "K.S.A." by inserting "53-509,";

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 45** 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, Benlon, Bethell, 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, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Hill.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6023—

By Representatives Quigley, Davis, Goico, Goyle, Hineman, Landwehr, Merrick, O'Neal, Ruiz, Siegfried, Tietze and Wetta

A RESOLUTION congratulating the Kansas Medical Society on its 150th Anniversary.

WHEREAS, The Kansas Medical Society was granted a charter of incorporation by the Territorial Legislature on February 10, 1859; and

WHEREAS, The Kansas Medical Society is the oldest corporation in continuous existence in the State of Kansas; and

WHEREAS, The first Governor, Lieutenant Governor and Secretary of State of the new State of Kansas in 1861 were all physicians and incorporators of the Kansas Medical Society; and

WHEREAS, The Kansas Medical Society has benefitted the citizens of our state through a long history of effective advocacy for high standards of medical practice and sound health policy development; and

WHEREAS, The Kansas Medical Society will commemorate its sesquicentennial year at its annual membership meeting May 1-3, 2009, in Topeka: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the Kansas Medical Society on its 150 years of advocacy and service to the physicians of the state; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide two enrolled copies of this resolution to the Kansas Medical Society and an enrolled copy to Representatives Jill Quigley and Raj Goyle.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick pursuant to House Rule 2311, **Sub. HB 2365** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HB 2365, An act; amending K.S.A. 2008 Supp. 79-3234 and repealing the existing section creating the promoting employment across Kansas act, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hineman, C. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crow, Garcia, Kinzer.

Present but not voting: None.

Absent or not voting: Brunk, Hill.

The substitute bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Nuefeld, the House nonconcurrent in Senate amendments to **HB 2308** and asked for a conference.

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

REPORT ON ENGROSSED BILLS

Sub. HB 2365 reported correctly engrossed March 31, 2009.

REPORT ON ENROLLED BILLS

Sub. HB 2050; HB 2098; HB 2185, HB 2201, HB 2233 reported correctly enrolled, properly signed and presented to the governor on March 30, 2009.

Also, **HB 2002, HB 2171, HB 2258** reported correctly enrolled, properly signed and presented to the governor on March 31, 2009.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Wednesday, April 1, 2009.

Journal of the House

FIFTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, April 1, 2009, 9:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 124 members present.
Rep. Seiwert was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
Today we celebrate April Fool's Day,
a day in which we like to pull pranks—
and there is nothing wrong
in relaxing with a joke or two.
We are reminded, however, that in Your Word,
You speak quite frankly about the way of the fool.
“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 . . .
Start with God—the first step in learning
is bowing down to God;
only fools thumb their noses
at such wisdom and learning . . .
Perceptive words spread knowledge;
fools are hollow—there is nothing to them . . .
An intelligent person is always
eager to take in more truth;
fools feed on fast-food fads and fancies . . .
A quiet rebuke to a person of good sense
does more than a whack on the head of a fool.”
(Proverbs 12:15-16; 1:7; 15:14; 17:10
The Message)
Lord . . . make us wise today in all we do,
and help us not to play the fool.
In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Trimmer.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolutions were referred to committee as indicated:
Committee of the Whole: **HCR 5020, HCR 5021.**

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **SB 29.**
The Senate concurs in House amendments to **SB 53.**
The Senate concurs in House amendments to **SB 80,** and requests return of the bill.

The Senate concurs in House amendments to **H. Sub. for SB 91**, and requests return of the bill.

The Senate concurs in House amendments to **SB 237**, and requests return of the bill.

The Senate concurs in House amendments to **SB 275**, and requests return of the bill.

The Senate adopts conference committee report on **S. Sub. for HB 2096**.

The Senate adopts conference committee report on **HB 2131**.

The Senate adopts conference committee report on **HB 2134**.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2097** 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 2155** and has appointed Senators Reitz, Wagle and Kultala as conferees on the part of the Senate.

The Senate adopts the conference committee report to agree to disagree on **HB 2152** and has appointed Senators Umbarger, Marshall and Kultala as second conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. McCray-Miller, **HR 6024**, by Reps. McCray-Miller, Ballard, Finney, Garcia, Goico, Henderson, Ruiz, Sawyer, Talia and Winn, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6024—

A RESOLUTION designating the month of April as Minority Health Awareness Month.

WHEREAS, The overall health and well-being of all Kansas citizens is important and is directly related to the quality of life of the citizens of this great state; and

WHEREAS, The rates of overweight and obese individuals has been increasing in the United States in recent years. Obesity increases an individual's risk of diabetes, heart disease, cancer and many other illnesses. In Kansas, the rate of obesity is 25% for whites, 30% for Hispanics and 40% for African Americans; and

WHEREAS, Despite the growing scientific evidence documenting the importance of fruits and vegetables to a healthy diet, four out of five Kansans, regardless of race and ethnicity, do not eat the daily recommended five servings of fruits and vegetables, underscoring the importance of raising awareness about healthy lifestyle choices; and

WHEREAS, Thousands of Kansas children, adults and elders suffer from poor health as a result of lack of access to appropriate health care because of race, ethnicity, cultural differences, gender, socioeconomic status, geographical location and disabilities; and

WHEREAS, These health disparities are compounded by factors including poverty, health care provider shortages, patient health care preferences and lifestyle choices; and

WHEREAS, Activities such as research, improved public policy and appropriate legislation can help to remove health related barriers and disparities facing racial, ethnic and tribal populations and increase awareness of the importance of managing our health and well-being; and

WHEREAS, Regardless of race, age, gender, disability or socioeconomic status, all Kansans should have the opportunity to actively participate in the management of their personal health and well-being through proper nutrition, moderate exercise and regular health screenings: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we designate the month of April as Minority Health Awareness Month and that we urge all Kansans to join in this observance; 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 Representative Melody McCray-Miller.

There being no objection, the following remarks by Reps. McCray-Miller and Garcia are spread upon the journal.

Remarks by Rep. McCray-Miller:

Regardless of race, age, gender, disability or socioeconomic status, all Kansans should have the opportunity to actively participate in the management of their personal health and well-being through proper nutrition, moderate exercise and regular health screenings.

Remarks by Rep. Garcia:

I am proud to honor this month as Minority Health Awareness Month, and want to share some exciting news on the work on this so far in Kansas by the Kansas Latino Legislative Caucus area. Wichita has been proactive on minority health awareness through our annual April Health Fair. I'd like to invite you to Wichita on Saturday, April 11, to our fifth annual Health is Life: Resource and Health Fair, where we have free health screenings for blood pressure, diabetes, tuberculosis, skin, feet, including massages and information on living a healthier lifestyle with materials available in other languages like Spanish and Vietnamese. There will be free healthy food and beverages and entertainment to make living life healthy fun! When all Kansans are healthy, then Kansas is healthy and flourishes economically.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Quigley, **HR 6023**, A resolution congratulating the Kansas Medical Society on its 150th Anniversary, was adopted.

There being no objection, the following remarks of Rep. Quigley are spread upon the journal:

We are proud to announce that 2009 marks the 150th anniversary of the founding of the Kansas Medical Society. On February 10, 1859—two years before Kansas achieved statehood—a group of physicians gathered at the Eldridge Hotel in Lawrence to develop and sign an organizational charter. One of those original signers was Charles Robinson, a physician whose name is one of the ten names on the walls of the House Chamber. Since that time, the Kansas Medical Society has endured and remains a steadfast advocate for the physicians of this great state.

Today I am joined by House Leadership (Speaker O'Neal, Majority Leader Merrick, Speaker Pro Tem Siegfried, and Minority Leader Davis), by Rep. Landwehr as Chair of the House Health and Human Services and by representatives with immediate family members who are physicians:

- My husband, Dr. Jim Quigley, is a pathologist in Johnson County
- Rep. Goico, whose son, Brian Goico is in medical school at Northwestern University
- Rep. Goyle, whose parents, Dr. Krishan Goyle is a cardiologist and Dr. Vimal Goyle is a gynecologist at the Goyle clinic in Wichita
- Rep. Hineman, whose daughter-in-law, Dr. Libby Hineman is in family practice in Scott City
- Rep. Ruiz, whose wife, Dr. Marthel E. Parson-Ruiz is a psychiatrist in Kansas City
- Rep Tietze whose husband, Dr. Dennis Tietze, is in family medicine in Topeka
- Rep. Wetta, whose daughter-in-law, Dr. Terri Cusick-Wetta is a surgeon in Wichita
- Rep. Neighbor, whose daughter, Dr. Samantha Durland, is an obstetrician-gynecologist in Lawrence
- Rep. Ballard, who son, Dr. Gregory Ballard, is an orthopedic surgeon in the Kansas City area

In celebration, we offer this resolution.

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

Speaker O'Neal called the House to order.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 171**, 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.

STEVE HUEBERT
SCOTT SCHWAB
Conferees on part of House

VICKI SCHMIDT
PAT APPLE
OLETHA FAUST-GOUDEAU
Conferees on part of Senate

On motion of Rep. Huebert to adopt the conference committee report on **SB 171** to agree to disagree, the motion did not prevail, and the bill remains in conference (see further action, p. 516).

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HB 2152**, 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.

DWAYNE UMBARGER
BOB MARSHALL
KELLY KULTALA
Conferees on part of Senate

GARY K. HAYZLETT
JENE VICKREY
Conferees on part of House

On motion of Rep. Hayzlett, the conference committee report on **HB 2152** was adopted. Speaker O'Neal thereupon appointed Reps. Hayzlett, Vickrey and Long as second conferees on the part of the House.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Schwab in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **H. Sub. for SB 257** be adopted; also, on motion of Rep. Gordon be amended on page 2, by striking all in lines 35 through 43;

By striking all of pages 3 through 10;

On page 11, by striking all in lines 1 through 35;

And by renumbering sections accordingly;

Also on page 11, in line 36, by striking "12-519, 12-520b, 12-521, 12-531, 12-532 and"; in line 37, by striking all before "hereby" and inserting "is";

In the title, in line 10, by striking "relating to annexation"; also in line 10, by striking all after "K.S.A."; in line 11, by striking all before "12-693"; also in line 11, by striking "and K.S.A. 2008 Supp. 25-432"; in line 12, by striking "sections" and inserting "section";

Also, on motion of Rep. Frownfelter to amend **H. Sub. for SB 257**, Rep. Schwartz requested a ruling on the amendment being germane to the bill. Rep. Frownfelter subsequently withdrew his amendment, and the substitute bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 218** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 218," as follows:

“HOUSE Substitute for SENATE BILL No. 218

By Committee on Federal and State Affairs

“AN ACT concerning abortion; regarding restrictions on late term and partial birth abortion; amending K.S.A. 65-445, 65-6701, 65-6703, 65-6709, as amended by section 1 of 2009 HOUSE Substitute for Senate Bill No. 238 and 65-6721 and K.S.A. 2008 Supp. 65-2836 and repealing the existing sections; also repealing K.S.A. 65-6713.”; and the substitute bill be passed.

(**H. Sub. for SB 218** was thereupon introduced and read by title.)

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Landwehr, the House nonconcurrent in Senate amendments to **HB 2221** 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. Landwehr, the House nonconcurrent in Senate amendments to **HB 2162** 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. Carlson, the House nonconcurrent in Senate amendments to **HB 2324** 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. Merrick, the House recessed until 2:30 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 concurrent resolution was introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5022—

By the House Federal and State Affairs Committee

A CONCURRENT RESOLUTION concerning actions taken to affect global climate change and its effects on mankind and urging the Governor of Kansas and the Kansas Congressional Delegation to protect American jobs and be mindful of the energy and job costs to Kansas families which may result from federal or state climate change legislation.

WHEREAS, Global carbon dioxide is part of the complex natural carbon cycle that sustains all life on earth; and

WHEREAS, Global climate change has occurred in natural cycles for the last 600 millennia; and

WHEREAS, Atmospheric carbon dioxide exists in a dynamic equilibrium with the carbon dioxide dissolved in the oceans, with the total amount of carbon dioxide held in the oceans being fifty times that held in the atmosphere; and

WHEREAS, Emissions of carbon dioxide into the atmosphere are truly global in nature and differential concentrations cannot be measured on any regional basis; and

WHEREAS, No deleterious effect of carbon dioxide can be shown in any one region of the earth as compared to other regions; and

WHEREAS, Kansas accounts for less than 0.25% of global carbon dioxide emissions; and

WHEREAS, Any attempt to regulate carbon dioxide emissions by the state of Kansas would have a negligible effect on the global situation without concurrent coordinated action on the part of all nations; and

WHEREAS, Previously proposed federal legislation to address the issue of global climate change would cause high energy prices, fewer jobs, and the loss of industrial output which is estimated to reduce Kansas' gross state product by between \$1.3 and \$1.8 billion per year by 2020 and \$4.8 and \$5.7 billion by 2030; and may cost Kansas between 11,100 and 16,700 jobs by 2020 and 37,000 jobs by 2030; and

WHEREAS, Any system which would only regulate carbon dioxide locally would result in the exporting of business and industry out of state or offshore; and

WHEREAS, Kansas has already lost 20,700 manufacturing jobs in the last 10 years: Now, therefore,

Be it resolved by the House of Representatives of the state of Kansas, the Senate concurring therein: That any action taken to affect global climate change and its effects on mankind be structured such that:

- (1) The action has a clear scientific basis;
- (2) The action confronts the situation from a truly global perspective;
- (3) The action keeps American citizens and industries from higher energy prices;
- (4) The action rewards early adopters of efficient practices and technologies;
- (5) The action promotes Kansas jobs; and
- (6) The action champions the global competitiveness of American industry.

Be it further resolved: That an enrolled copy of this resolution be sent to the Governor of Kansas and each member of the Kansas Congressional Delegation.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2085**, as amended by **S. Sub. for HB 2085**.

Announcing passage of **HB 2267**, as amended by **S. Sub. for HB 2267**.

The Senate adopts the conference committee report on **SB 45**.

The Senate adopts the conference committee report to agree to disagree on **HB 2121** and has appointed Senators Taddiken, Ostmeyer and Francisco as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2221** and has appointed Senators Barnett, V. Schmidt and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2308** and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2121**, 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.

MARK TADDIKEN

RALPH OSTMEYER

MARCI FRANCISCO

Conferees on part of Senate

LARRY R. POWELL

ROCKY FUND

Conferees on part of House

On motion of Rep. Powell, the conference committee report on **HB 2121** was adopted.

Speaker O'Neal thereupon appointed Reps. Powell, Fund and Svaty 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 11**, 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 5, in line 21, by striking “areas” and inserting “area”; after line 23, by inserting: “New Sec. 2. (a) As used in this section, “technical college” means a technical college designated by K.S.A. 72-4472, 72-4473, 72-4474, 72-4475, 72-4477 or K.S.A. 2008 Supp. 72-4477a, and amendments thereto.

(b) The governing body of a technical college may change the designation of such technical college by adoption of a resolution. If the designation of a technical college is changed pursuant to this section, whenever the technical college is referred to or designated by or in any contract or other document, such reference or designation shall be deemed to apply to the designation as provided in the resolution. If the designation of a technical college is changed pursuant to this section, whenever any statute refers to a technical college by the designation in K.S.A. 72-4472, 72-4473, 72-4474, 72-4475, 72-4477 or K.S.A. 2008 Supp. 72-4477a, as such sections existed prior to July 1, 2009, such reference or designation shall be construed to mean the designation as provided in the resolution.”;

And by renumbering sections accordingly;

In the title, in line 12, after “to” by inserting “technical colleges and”;

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

TERRIE HUNTINGTON

MARC RHOADES

ANN E. MAH

Conferees on part of House

JEAN KURTIS SCHODORF

JOHN VRATIL

ANTHONY HENSLEY

Conferees on part of Senate

On motion of Rep. Huntington, the conference committee report on **SB 11** 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, Benlon, Bethell, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Kinzer, Kuether, Neufeld.

Present but not voting: None.

Absent or not voting: Landwehr, Seiwert.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 19**, 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 4, in line 38, before the semicolon, by inserting “, while actually engaged in the duties of their employment or any activities incidental to such duties”; in line 40, before the semicolon, by inserting “and while actually engaged in the duties of their employment or any activities incidental to such duties”; in line 42, before the semicolon, by inserting “and

while actually engaged in the duties of their employment or any activities incidental to such duties”;

On page 5, in line 2, before the period, by inserting “and while actually engaged in the duties of their employment or any activities incidental to such duties”;

On page 6, in line 2, before “facility” by inserting “courthouse and court-related”; in line 9, before “facilities” by inserting “courthouse or court-related”; also in line 9, by striking all after “facilities” and inserting the following:
“if:

(1)”;

Also on page 6, in line 11, by striking all after “facilities”; by striking all in lines 12 and 13; in line 14, by striking all before the period; in line 18, before the period, by inserting the following:

“(2) such facilities have adequate measures for storing and securing lawfully carried weapons, including, but not limited to, the use of gun lockers or other similar storage options;

(3) such county also has a policy or regulation requiring all law enforcement officers to secure and store such officer’s firearm upon entering the courthouse or court-related facility. Such policy or regulation may provide that it does not apply to court security or sheriff’s office personnel for such county; and

(4) such facilities have a sign conspicuously posted at each entryway into such facility stating that the provisions of subsection (c) do not apply to such facility”;

Also on page 6, in line 25, before the semicolon, by inserting “at their own expense.”; after line 29, by inserting the following:

“Sec. 5. K.S.A. 2008 Supp. 75-7c10 is hereby amended to read as follows: 75-7c10. (a) Provided that the premises are conspicuously posted in accordance with rules and regulations adopted by the attorney general as premises where carrying a concealed weapon is prohibited, no license issued pursuant to this act shall authorize the licensee to carry a concealed weapon into:

(1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;

(2) any police, sheriff or highway patrol station;

(3) any detention facility, prison or jail;

(4) any courthouse;

(5) any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge’s courtroom;

(6) any polling place on the day an election is held;

(7) any meeting of the governing body of a county, city or other political or taxing subdivision of the state, or any committee or subcommittee thereof;

(8) on the state fairgrounds;

(9) any state office building;

(10) any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education;

(11) any professional athletic event not related to or involving firearms;

(12) any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;

(13) any elementary or secondary school, attendance center, administrative office, services center or other facility;

(14) any community college, college or university facility;

(15) any place where the carrying of firearms is prohibited by federal or state law;

(16) any child exchange and visitation center provided for in K.S.A. 75-720, and amendments thereto;

(17) any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; mental health clinic organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amend-

ments thereto; or state psychiatric hospital, as follows: Larned state hospital, Osawatomic state hospital or Rainbow mental health facility;

(18) any city hall;

(19) any public library operated by the state or by a political subdivision of the state;

(20) any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420;

(21) any church or temple; or

(22) any place in violation of K.S.A. 21-4218, and amendments thereto.

(b) (1) Violation of this section is a class A misdemeanor.

(2) *Notwithstanding the provisions of subsection (a), it is not a violation of this section for the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a firearm within any county courthouse or court-related facility, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district. The provisions of this paragraph shall not apply to any person not in compliance with section 4, and amendments thereto.*

Sec. 6. K.S.A. 2008 Supp. 75-7c11 is hereby amended to read as follows: 75-7c11. (a) Nothing in this act shall be construed to prevent:

(1) Any public or private employer from restricting or prohibiting by personnel policies persons licensed under this act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except that no employer may prohibit possession of a firearm in a private means of conveyance, even if parked on the employer's premises; or

(2) any private business or city, county or political subdivision from restricting or prohibiting persons licensed under this act from carrying a concealed weapon within a building or buildings of such entity, provided that the premises are posted, in accordance with rules and regulations adopted by the attorney general pursuant to this section, as premises where carrying a concealed weapon is prohibited.

(b) (1) Carrying a concealed weapon in violation of any restriction or prohibition allowed by subsection (a), if the premises are posted in accordance with rules and regulations adopted by the attorney general, is a class B misdemeanor.

(2) *Notwithstanding the provisions of subsection (a)(2), it is not a violation of this section for the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a firearm within any county courthouse or court-related facility, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district. The provisions of this paragraph shall not apply to any person not in compliance with section 4, and amendments thereto.*

(c) The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on premises where carrying a concealed weapon is prohibited pursuant to subsection (a) of K.S.A. 2008 Supp. 75-7c10 and paragraph (2) of subsection (a) of K.S.A. 2008 Supp. 75-7c11 and amendments thereto.;

And by renumbering the remaining sections accordingly;

Also on page 6, in line 30, after "21-4201" by inserting ", 75-7c10 and 75-7c11";

On page 1, in the title, in line 13, after the semicolon, by inserting "carrying a concealed weapon.;" in line 14, after "21-4201" by inserting ", 75-7c10 and 75-7c11";

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

MELVIN J. NEUFELD
 ELAINE BOWERS
 JUDITH LOGANBILL
Conferees on part of House

THOMAS C. OWENS
 DEREK SCHMIDT
 DAVID HALEY
Conferees on part of Senate

On motion of Rep. Neufeld, the conference committee report on **SB 19** was adopted.

On roll call, the vote was: Yeas 95; Nays 28; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Fund, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Sawyer, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Vickrey, Ward, Watkins, Wetta, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Benlon, T. Brown, Carlin, Colloton, Craft, Crow, Dillmore, Flaharty, Frownfelter, Furtado, Garcia, Henderson, Hill, Kuether, Loganbill, McCray-Miller, Menghini, Neighbor, Peterson, Quigley, Rardin, Ruiz, Slattery, Sloan, Tietze, Trimmer, Whitham, Wimm.

Present but not voting: None.

Absent or not voting: Landwehr, Seiwert.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 35**, submits the following report:

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

On page 2, in line 2, by striking "2011" and inserting "2010"; in line 9, by striking "10%" and inserting "5%"; in line 10, by striking "13%" and inserting "6%"; by striking all in lines 13 through 15 and inserting the following:

"Sec. 2. On and after July 1, 2009, K.S.A. 2008 Supp. 12-17,166 is hereby amended to read as follows: 12-17,166. (a) One or more projects may be undertaken by a city or county within an established STAR bond project district. Any city or county proposing to undertake a STAR bond project, shall prepare a STAR bond project plan in consultation with the planning commission of the city, and in consultation with the planning commission of the county, if any, if such project is located wholly outside the boundaries of the city. Any such project plan may be implemented in separate development stages.

(b) Any city or county proposing to undertake a STAR bond project within a STAR bond project district established pursuant to K.S.A. 2008 Supp. 12-17,165, and amendments thereto, shall prepare a feasibility study. The feasibility study shall contain the following:

(1) Whether a STAR bond project's revenue and tax increment revenue and other available revenues under K.S.A. 2008 Supp. 12-17,169, and amendments thereto, are expected to exceed or be sufficient to pay for the project costs;

(2) the effect, if any, a STAR bond project will have on any outstanding special obligation bonds payable from the revenues described in K.S.A. 2008 Supp. 12-17,169, and amendments thereto;

(3) a statement of how the jobs and taxes obtained from the STAR bond project will contribute significantly to the economic development of the state and region;

(4) visitation expectations;

- (5) the unique quality of the project;
- (6) economic impact study;
- (7) market study;
- (8) market impact study;
- (9) integration and collaboration with other resources or businesses;
- (10) the quality of service and experience provided, as measured against national consumer standards for the specific target market;
- (11) project accountability, measured according to best industry practices;
- (12) the expected return on state and local investment that the project is anticipated to produce;

(13) a statement concerning whether a portion of the local sales and use taxes are pledged to other uses and are unavailable as revenue for the STAR bond project. If a portion of local sales and use taxes is so committed, the applicant shall describe the following:

(A) The percentage of city and county sales and use taxes collected that are so committed; and

(B) the date or dates on which the city and county sales and use taxes pledged to other uses can be pledged for repayment of bonds; and

(14) an anticipated principal and interest payment schedule on the bond issue.

The failure to include all information enumerated in this subsection in the feasibility study for a STAR bond project shall not affect the validity of bonds issued pursuant to this act.

(c) If the city or county determines the project is feasible, the project plan shall include:

(1) A summary of the feasibility study done as defined in subsection (b) of this section, and amendments thereto;

(2) a reference to the district plan established under K.S.A. 2008 Supp. 12-17,165, and amendments thereto, that identifies the project area that is set forth in the project plan that is being considered;

(3) a description and map of the project area to be redeveloped;

(4) the relocation assistance plan as described in K.S.A. 2008 Supp. 12-17,172, and amendments thereto;

(5) a detailed description of the buildings and facilities proposed to be constructed or improved in such area; and

(6) any other information the governing body of the city or county deems necessary to advise the public of the intent of the project plan.

(d) A copy of the STAR bond project plan prepared by a city shall be delivered to the board of county commissioners of the county and the board of education of any school district levying taxes on property within the STAR bond project area. A copy of the STAR bond project plan prepared by a county shall be delivered to the board of education of any school district levying taxes on property within the STAR bond project area.

(e) Upon a finding by the planning commission that the STAR bond project plan is consistent with the intent of the comprehensive plan for the development of the city, and a finding by the planning commission of the county, if any, with respect to a STAR bond project located wholly outside the boundaries of the city, that the STAR bond project plan is consistent with the intent of the comprehensive plan for the development of the county, the governing body of the city or county shall adopt a resolution stating that the city or county is considering the adoption of the STAR bond project plan. Such resolution shall:

(1) Give notice that a public hearing will be held to consider the adoption of the STAR bond project plan and fix the date, hour and place of such public hearing;

(2) describe the boundaries of the STAR bond project district within which the STAR bond project will be located and the date of establishment of such district;

(3) describe the boundaries of the area proposed to be included within the STAR bond project area; and

(4) state that the STAR bond project plan, including a summary of the feasibility study, market study, relocation assistance plan and financial guarantees of the prospective developer and a description and map of the area to be redeveloped or developed are available for inspection during regular office hours in the office of the city clerk or county clerk, respectively.

(f) (1) The date fixed for the public hearing to consider the adoption of the STAR bond project plan shall be not less than 30 nor more than 70 days following the date of the adoption of the resolution fixing the date of the hearing.

(2) A copy of the city or county resolution providing for the public hearing shall be by certified mail, return receipt requested, sent by the city to the board of county commissioners of the county and by the city or county to the board of education of any school district levying taxes on property within the proposed STAR bond project area. Copies also shall be sent by certified mail, return receipt requested to each owner and occupant of land within the proposed STAR bond project area not more than 10 days following the date of the adoption of the resolution. The resolution shall be published once in the official city or county newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing. A sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the STAR bond project area shall be published with the resolution.

(3) At the public hearing, a representative of the city or county shall present the city's or county's proposed STAR bond project plan. Following the presentation of the STAR bond project area, all interested persons shall be given an opportunity to be heard. The governing body for good cause shown may recess such hearing to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

(g) The public hearing records and feasibility study shall be subject to the open records act, K.S.A. 45-215, and amendments thereto.

(h) Upon conclusion of the public hearing, the governing body may adopt the STAR bond project plan by ordinance or resolution passed upon a two-thirds vote of the members.

(i) After the adoption by the city or county governing body of a STAR bond project plan, the clerk of the city or county shall transmit a copy of the description of the land within the STAR bond project district, a copy of the ordinance or resolution adopting the plan and a map or plat indicating the boundaries of the district to the clerk, appraiser and treasurer of the county in which the district is located and to the governing bodies of the county and school district which levy taxes upon any property in the district. Such documents shall be transmitted following the adoption or modification of the plan or a revision of the plan on or before January 1 of the year in which the increment is first allocated to the taxing subdivision.

~~(j) The appraiser of any county in which a STAR bond project district is authorized by a city or county shall certify the amount of such increase in assessed valuation of real and personal property within the STAR bond project district to the county clerk on or before July 1 of each year.~~

~~(k) If the STAR bond project plan is approved, the feasibility study shall be supplemented to include a copy of the minutes of the governing body meetings of any city or county whose bonding authority will be utilized in the STAR bond project, evidencing that a STAR bond project plan has been created, discussed and adopted by the city or county in a regularly scheduled open public meeting.~~

~~(l) Any STAR bond project shall be completed within 20 years from the date of the approval of the STAR bond project plan. The maximum maturity on bonds issued to finance projects pursuant to this act shall not exceed 20 years.~~

~~(m) Kansas resident employees shall be given priority consideration for employment in construction projects located in a STAR bond project area.~~

~~(n) Any developer of a STAR bond project shall commence work on the project within two years from the date of adoption of the STAR bond project plan. Should the developer fail to commence work on the STAR bond project within the two-year period, funding for such project shall cease and the developer of such project or complex shall have one year to appeal to the secretary for reapproval of such project and the funding for it. Should the project be reapproved, the two-year period for commencement shall apply.~~

Sec. 3. From and after July 1, 2009, K.S.A. 2008 Supp. 79-3620 is hereby amended to read as follows: 79-3620. (a) All revenue collected or received by the director of taxation

from the taxes imposed by this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsection (c) and (d), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds including refunds authorized under the provisions of K.S.A. 79-3635, and amendments thereto. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

(c) (1) The state treasurer shall credit $\frac{5}{98}$ 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 $\frac{5}{106}$ 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 $\frac{19}{265}$ 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 $\frac{13}{106}$ 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.

(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 ~~redevelopment~~ STAR bond project district occupied by a ~~redevelopment~~ STAR bond project or taxpayers doing business with such entity financed by a ~~special~~ STAR bond project as defined in K.S.A. ~~12-1770a~~ 2008 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 ~~special~~ STAR bond project as defined in K.S.A. ~~12-1770a~~ 2008 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 ~~redevelopment or special~~ STAR bond project.

Sec. 4. From and after July 1, 2009, K.S.A. 2008 Supp. 79-3620b is hereby amended to read as follows: 79-3620b. Moneys credited to the city bond finance fund in accordance with the provisions of subsections (d) of K.S.A. 79-3620 and (d) of K.S.A. 79-3710, and amendments thereto, shall be distributed biannually to cities which have issued special obligation bonds to finance, in whole or in part, a ~~redevelopment~~ STAR bond project which 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~~ 2008 Supp. 12-17,162, and amendments thereto. The state treasurer shall make such biannual distributions on such dates as mutually agreed to by the city and the state treasurer. The total of all distributions under this section shall not exceed an amount determined to be sufficient to retire the principal and interest payable on such special obligation bonds. Moneys paid

to cities hereunder shall be deposited in a special fund of the city to pay the costs described herein.

Sec. 5. K.S.A. 2008 Supp. 10-1009 is hereby repealed.

Sec. 6. From and after July 1, 2009, K.S.A. 2008 Supp. 12-17,166, 79-3620 and 79-3620b are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, in line 10, by striking all after “concerning”; in line 11, by striking all before the period and inserting “bonds; pertaining to interest rates; pertaining to bond revenue sources; amending K.S.A. 2008 Supp. 10-1009, 12-17,166, 79-3620 and 79-3620b and repealing the existing sections”;

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

SHARON SCHWARTZ
MITCH HOLMES
DELIA GARCIA
Conferees on part of House

DAVID WYSONG
JULIA LYNN
TOM HOLLAND
Conferees on part of Senate

On motion of Rep. Schwartz, the conference committee report on **SB 35** was adopted.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, DeGraaf, Kinzer, Merrick, Peck.

Present but not voting: None.

Absent or not voting: Landwehr, Seiwert.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER Your committee on conference on House amendments to **SB 44**, 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 35, by striking “more” and inserting “:

(1) More”;

Also on page 3, in line 36, by striking all after the stricken word and inserting “committed; or

(2) more than 3 years after the date on which the violation was discovered or reasonably should have been discovered, but in no event more than 10 years after the date on which the violation was committed, whichever occurs last.”;

On page 5, after line 26, by inserting the following:

“Sec. 12. K.S.A. 60-455 is hereby amended to read as follows: 60-455. (a) Subject to K.S.A. 60-447, and amendments thereto, evidence that a person committed a crime or civil wrong on a specified occasion, is inadmissible to prove ~~his or her~~ such person's disposition

to commit crime or civil wrong as the basis for an inference that the person committed another crime or civil wrong on another specified occasion ~~but~~.

(b) Subject to K.S.A. 60-445 and 60-448, and amendments thereto, such evidence is admissible when relevant to prove some other material fact including motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident.

(c) Subject to K.S.A. 60-445 and 60-448, and amendments thereto, in any criminal action other than a criminal action in which the defendant is accused of a sex offense under articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, such evidence is admissible to show the modus operandi or general method used by a defendant to perpetrate similar but totally unrelated crimes when the method of committing the prior acts is so similar to that utilized in the current case before the court that it is reasonable to conclude the same individual committed both acts.

(d) Except as provided in K.S.A. 60-445, and amendments thereto, in a criminal action in which the defendant is accused of a sex offense under articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, evidence of the defendant's commission of another act or offense of sexual misconduct is admissible, and may be considered for its bearing on any matter to which it is relevant and probative.

(e) In a criminal action in which the prosecution intends to offer evidence under this rule, the prosecuting attorney shall disclose the evidence to the defendant, including statements of witnesses, at least 10 days before the scheduled date of trial or at such later time as the court may allow for good cause.

(f) This rule shall not be construed to limit the admission or consideration of evidence under any other rule or to limit the admissibility of the evidence of other crimes or civil wrongs in a criminal action under a criminal statute other than in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

(g) As used in this section, an "act or offense of sexual misconduct" includes:

(1) Any conduct proscribed by article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto;

(2) the sexual gratification component of aggravated trafficking, as described in subsection (a)(1)(B) and (a)(2) of K.S.A. 21-3447, and amendments thereto;

(3) exposing another to a life threatening communicable disease, as described in subsection (a)(1) of K.S.A. 21-3435, and amendments thereto;

(4) incest, as described in K.S.A. 21-3602, and amendments thereto;

(5) aggravated incest, as described in K.S.A. 21-3603, and amendments thereto;

(6) contact, without consent, between any part of the defendant's body or an object and the genitals, mouth or anus of the victim;

(7) contact, without consent, between the genitals, mouth or anus of the defendant and any part of the victim's body;

(8) deriving sexual pleasure or gratification from the infliction of death, bodily injury or physical pain to the victim;

(9) an attempt, solicitation or conspiracy to engage in conduct described in paragraphs (1) through (8); or

(10) any federal or other state conviction of an offense, or any violation of a city ordinance or county resolution, that would constitute an offense under article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, the sexual gratification component of aggravated trafficking, as described in subsection (a)(1)(B) and (a)(2) of K.S.A. 21-3447, and amendments thereto; incest, as described in K.S.A. 21-3602, and amendments thereto; or aggravated incest, as described in K.S.A. 21-3603, and amendments thereto, or involved conduct described in paragraphs (6) through (9).

(h) If any provisions of this section or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provisions or application. To this end the provisions of this section are severable.

Sec. 13. K.S.A. 60-1505 is hereby amended to read as follows: 60-1505. (a) *Summary proceedings.* The judge shall proceed in a summary way to hear and determine the cause and may do so regardless of whether the person restrained is present. If the plaintiff is an inmate in the custody of the secretary of corrections and the motion and the files and records

of the case conclusively show that the inmate is entitled to no relief, the writ shall be dissolved at the cost of the inmate.

(b) *Infectious diseases.* When any person is restrained because of an alleged infectious or communicable disease, the judge shall appoint a board of not less than two competent physicians to make an examination of such person and report their findings to the judge. *may appoint at least one competent physician to make an examination of such person and report findings to the judge.*

(c) *Temporary orders.* The judge may make an order for the temporary custody of the party and any other temporary orders during the pendency of the proceeding that justice may require.

(d) *Judgment.* If the court determines that the restraint is not wrongful, the writ shall be dissolved at the cost of the plaintiff. If the restraint is found to be wrongful, the judgment shall be either that the person shall be released, or that custody shall be transferred to some other person rightfully entitled thereto, and the court may make such other orders as justice and equity or the welfare of a minor physically present in the state may require. In cases in which the person restrained is a minor, or other incompetent or incapacitated, at the time of rendering judgment at the request of any person adversely affected thereby, the judge shall stay the enforcement of the judgment for a period of not to exceed 48 hours to permit the filing of an appeal, and the judge may provide for the temporary custody of the person during such stay in such manner as the judge sees fit. Enforcement of the judgment after the taking of any appeal may be stayed on such terms and conditions, including such provisions for custody during pendency of the appeal, as the judge shall prescribe. If the state, in open court, announces its intention to appeal from an order discharging a prisoner, the judge shall stay the enforcement of the judgment for a period not more than 24 hours to permit the filing of an appeal.

(e) (1) *The Record.* In habeas corpus proceedings involving extradition to another state, when written notice of appeal from a judgment or an order is filed, the transcript shall be prepared within 20 days after the notice of appeal is filed and sent to the appellate court for review. The appellate court may shorten or extend the time for filing the record if there is a reasonable explanation for the need for such action. When the record is received by the appellate court, the court shall set the time for filing of briefs, if briefs are desired, and shall set the appeal for submission.

(2) *Hearing.* Such cases, taken to the court of appeals by appeal, shall be heard at the earliest practicable time. The appellant need not be personally present, and such appeal shall be heard and determined upon the law and the facts arising upon record. No incidental question which may have arisen on the hearing of the application before the court shall be reviewed.

(3) *Orders on Appeal.* In such cases, the appellate court shall render such judgment and make such orders as the law and the nature of the case may require, and may make such orders relative to the costs in the case as may seem right, allowing costs and fixing the amount, or allowing no cost at all.

Sec. 14. K.S.A. 60-455 and 60-1505 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 10, after “concerning” by inserting “civil procedure; relating to”; also in line 10 by striking “relating to the”; in line 12, before the period by inserting “; rules of evidence; admissibility of prior acts or offenses; habeas corpus; infectious disease; amending K.S.A. 60-455 and 60-1505 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 **SB 44** 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, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Seiwert.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 87**, 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 10, by striking all in lines 4 through 19;

And by renumbering the remaining sections accordingly;

On page 19, in line 35, before the period by inserting ”;

(3) based upon an investigation of the facts by the state agency, beyond receipt of the allegations, the state agency believes in good faith that the allegations will be supported to the applicable standard of proof, provided however that an alleged failure to meet the standards set forth in this subsection shall not be subject to immediate judicial review and shall not invalidate any later agency action that has been supported to the applicable standard of proof; and

(4) the order does not take effect until after the time for requesting a hearing has expired”;

On page 24, in line 26, by striking “77-512.”

On page 1, in the title, in line 14, by striking “77-512.”;

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 87** 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, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Seiwert.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 154**, 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, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 27 and inserting in lieu thereof the following: "New Section 1. As used in this act:

(a) "Act" means the provisions of K.S.A. 50-6a01 through 50-6a06, and amendments thereto, and the provisions of sections 1 through 15, and amendments thereto.

(b) "Brand family" means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, "menthol," "lights," "kings," and "100s," and includes any brand name (alone or in conjunction with any other word), trademark, logo, symbol, motto, selling message, recognizable pattern of colors or any other indicia of product identification identical, similar to or identifiable with a previously known brand of cigarettes.

(c) "Cigarette" has the same meaning given that term in subsection (d) of K.S.A. 50-6a02, and amendments thereto.

(d) "Director" means the director of taxation.

(e) "Master settlement agreement" has the same meaning given that term in subsection (e) of K.S.A. 50-6a02, and amendments thereto.

(f) "Non-participating manufacturer" means any tobacco product manufacturer that is not a participating manufacturer.

(g) "Participating manufacturer" has the meaning given that term in subsection (i)(1) of K.S.A. 50-6a02, and amendments thereto.

(h) "Qualified escrow fund" has the same meaning given that term in subsection (f) of K.S.A. 50-6a02, and amendments thereto.

(i) "Resident agent" means a domestic corporation, a domestic limited partnership, a domestic limited liability company or a domestic business trust or a foreign corporation, a foreign limited partnership, a foreign limited liability company or a foreign business trust authorized to transact business in this state, and which is generally open during regular business hours to accept service of process on behalf of a non-participating manufacturer.

(j) "Retail dealer" has the same meaning given that term in subsection (q) of K.S.A. 79-3301, and amendments thereto.

(k) "Stamping agent" means a person who is authorized to affix tax indicia to packages of cigarettes pursuant to K.S.A. 79-3311, and amendments thereto, or any person who is required to pay the tax on the privilege of selling or dealing in roll-your-own tobacco products pursuant to K.S.A. 79-3371, and amendments thereto.

(l) "Tax indicia" has the same meaning given that term in subsection (u) of K.S.A. 79-3301, and amendments thereto.

(m) "Tobacco product manufacturer" has the same meaning given that term in subsection (i) of K.S.A. 50-6a02, and amendments thereto.

(n) "Units sold" has the same meaning given that term in subsection (j) of K.S.A. 50-6a02, and amendments thereto.

(o) "Vending machine operator" has the same meaning given that term in subsection (y) of K.S.A. 79-3301, and amendments thereto.

New Sec. 2. (a) Any non-participating manufacturer that has not registered with the secretary of state to do business in the state as a foreign corporation or business entity shall, as a condition precedent to having its brand families included or retained in the directory, appoint and continually engage without interruption the services of an agent in this state to act as agent for the service of process on whom all process, and any action or proceeding against it concerning or arising out of the enforcement of this act may be served in any manner authorized by law. Such service shall constitute legal and valid service of process on the non-participating manufacturer. The non-participating manufacturer shall provide to the attorney general the name, address, phone number, proof of the appointment and availability of such resident agent, and such information shall be provided to the satisfaction of the attorney general.

(b) (1) A non-participating manufacturer may substitute its resident agent for another by notifying, in writing sent via certified or registered mail, the attorney general of such termination of the authority of the current agent and providing proof to the satisfaction of the attorney general of the appointment of a new agent. Such substitution shall not become effective until 30 days after receipt of such notification by the attorney general.

(2) A resident agent of a non-participating manufacturer that wishes to resign shall notify the attorney general, in writing via certified or registered mail, and provide to the attorney general the name and address of the successor agent. There shall be attached to the notification a statement of each affected non-participating manufacturer ratifying such change of resident agent. Upon receipt of such notification by the attorney general, the successor resident agent shall become the resident agent of such non-participating manufacturers that have ratified and approved the substitution.

(3) (A) A resident agent of a non-participating manufacturer may resign without appointing a successor by notifying, in writing sent via certified or registered mail, the attorney general. Such resignation shall not become effective until 60 days after receipt of such notification by the attorney general. There shall be attached to the notification an affidavit by the resident agent, if an individual, or by the authorized officer, if a corporation or other business entity, attesting that at least 30 days prior to the expiration of the 60 day period, notice was sent via certified or registered mail to the designated contact of the non-participating manufacturer for which such resident agent was acting that such agent was resigning its position.

(B) After receipt of the notice of resignation of its resident agent, the non-participating manufacturer for which such resident agent was acting shall obtain and designate a new resident agent to take the place of the resigning resident agent. If such non-participating manufacturer fails to obtain and designate a new resident agent and provide notice thereof, in writing via certified or registered mail, to the attorney general prior to the expiration of the 60-day period provided in subparagraph (A), such non-participating manufacturer shall be removed from the directory.

(4) If a resident agent of a non-participating manufacturer dies, the non-participating manufacturer shall have 30 days after the death of such resident agent to appoint and notify, in writing via certified or registered mail, the attorney general of the non-participating manufacturer's new resident agent. Service upon the non-participating manufacturer after the death of such agent but prior to the appointment of a new agent shall be had upon the secretary of state. Failure by the non-participating manufacturer to appoint a new resident agent, and provide proof of such appointment to the satisfaction of the attorney general prior to the expiration of the 30-day period shall result in removal from the directory.

(5) After the resignation of the resident agent becomes effective as provided in subparagraph (3)(A), or after the death of such resident agent as provided in paragraph (4), and if no new resident agent is obtained and notification is provided in the time and manner required in this section, then service of process against the non-participating manufacturer for which the previous resident agent had been acting shall thereafter be made upon the secretary of state in the manner prescribed by K.S.A. 60-304, and amendments thereto.

(c) A non-participating manufacturer shall provide irrevocable written consent that actions brought under this act may be commenced against it in the district court of the third judicial

district, Shawnee county, Kansas, by service of process on the appointed service of process agent designated pursuant to this section.

(d) A resident agent may change the resident agent's address when appointed to accept service of process on behalf of a non-participating manufacturer for which such agent is a resident agent, to another address in this state by mailing a letter, via certified or registered mail, to the attorney general. The letter shall be on company letterhead and executed by the resident agent. The letter shall contain the following:

(1) The names of all non-participating manufacturers represented by the resident agent;

(2) the address at which the resident agent has maintained the resident agent's office for each manufacturer;

(3) a certification of the new address to which the resident agent's address will be changed to on a given day; and

(4) a certification at which the resident agent will thereafter maintain the resident agent's address for each of the non-participating manufacturers recited in the letter.

Upon the filing of the letter with the attorney general and thereafter, or until further change of address, as authorized by law, the office address of the resident agent recited in the letter shall be located at the new address of the resident agent as provided in the letter.

New Sec. 3. (a) (1) No later than 10 calendar days after the end of each calendar month, and more frequently if so directed by the attorney general or director, each stamping agent authorized to affix tax indicia to packages of cigarettes pursuant to K.S.A. 79-3311, and amendments thereto, shall submit such information as the attorney general or director requires. No later than 20 calendar days after the end of each calendar month, and more frequently if so directed by the attorney general or director, each stamping agent who is required to pay the tax on the privilege of selling or dealing in roll-your-own tobacco products pursuant to K.S.A. 79-3371, and amendments thereto, shall submit such information as the attorney general or director requires.

(2) Invoices and documentation of sales of all non-participating manufacturer cigarettes, and any other information relied upon in reporting to the director shall, upon request, be made available to the director. Such invoices and documents shall be maintained for a period of at least three years.

(b) At any time, the attorney general may request from the non-participating manufacturer or the financial institution at which such manufacturer has established a qualified escrow fund for the purpose of compliance with subsection (b) of K.S.A. 50-6a03, and amendments thereto, proof of the amount of money in such fund, exclusive of interest, the amount and date of each deposit to such fund and the amount and date of each withdrawal from such fund.

(c) In addition to the information required to be submitted pursuant to subsections (a) and (b) and subsection (c) of K.S.A. 50-6a04, and amendments thereto, the attorney general or the director may require a stamping agent or tobacco product manufacturer to submit any additional information including, but not limited to, samples of the packaging or labeling of each brand family as is necessary to enable the attorney general to determine whether a tobacco product manufacturer is in compliance with this act.

(d) A stamping agent or non-participating manufacturer receiving a request pursuant to subsection (c) shall provide the requested information within 30 calendar days from receipt of the request.

New Sec. 4. (a) The director is authorized to disclose to the attorney general any information received under this act, as requested by the attorney general for purposes of determining compliance with or enforcing the provisions of this act. The director and attorney general shall share with each other information received under this act and the director and the attorney general may share such information with federal agencies, attorneys general of other states or directors of taxation or their equivalents of other states, for purposes of enforcement of this act, the corresponding federal laws or the corresponding laws of other states.

(b) Except as otherwise provided, any information provided to the attorney general or director for purposes of enforcement of this act may be shared between the attorney general and the director and shall not be disclosed publicly by the attorney general or the director except when necessary to facilitate compliance with and enforcement of this act.

(c) On a quarterly basis, and upon request made in writing by a tobacco product manufacturer, the attorney general or the director may provide the name of any stamping agent who reports selling the tobacco product manufacturer's products.

(d) On a quarterly basis, and upon request made in writing by a tobacco product manufacturer, a stamping agent shall provide to the requesting tobacco product manufacturer the total number of cigarettes, by brand family, which the stamping agent reported to the attorney general or director pursuant to section 3, and amendments thereto, provided that such information provided by the stamping agent to a tobacco product manufacturer shall be limited to the brand families of that manufacturer as listed in the directory established in subsection (b) of K.S.A. 50-6a04, and amendments thereto.

(e) Unless disclosure is authorized under this section, all information obtained by the director and disclosed to the attorney general or shared with federal agencies, attorneys general of other states or directors of taxation or their equivalents of other states for purposes of enforcement of this act, the corresponding federal laws or the corresponding laws of other states, shall be confidential. The penalties provided under K.S.A. 75-5133, and amendments thereto, shall not apply when information is lawfully disclosed pursuant to this section.

New Sec. 5. (a) Notwithstanding any other provision of law, if a newly qualified non-participating manufacturer is to be listed in the directory, or if the attorney general reasonably determines that any non-participating manufacturer who has filed a certification pursuant to subsection (c) of K.S.A. 50-6a04, and amendments thereto, poses an elevated risk for noncompliance with this act neither such non-participating manufacturer nor any of its brand families shall be included or retained in the directory unless and until such non-participating manufacturer, or its United States importer that undertakes joint and several liability for the manufacturer's performance in accordance with subsection (c)(3)(I) of K.S.A. 50-6a04, and amendments thereto, has posted a bond in accordance with this section.

(b) The bond required by this section shall be posted by corporate surety located within the United States in an amount equal to the greater of \$50,000 or the amount of escrow the non-participating manufacturer in either its current or predecessor form was required to deposit for sales of cigarettes in this state during the previous calendar year. The bond shall be written in favor of the state of Kansas and shall be conditioned on the performance by the non-participating manufacturer, or its United States importer that undertakes joint and several liability for the manufacturer's performance in accordance with subsection (c)(3)(I) of K.S.A. 50-6a04, and amendments thereto, of all of its duties and obligations under this act during the year in which the certification is filed and the next succeeding calendar year.

(c) A non-participating manufacturer may be deemed to pose an elevated risk for non-compliance with this act if:

(1) The non-participating manufacturer, or any affiliate thereof, has underpaid an escrow obligation with respect to any other state or jurisdiction that is a party to the master settlement agreement at any time within the three calendar years prior to the date of submission or approval of the most recent certification, unless:

(A) The non-participating manufacturer did not make the underpayment knowingly or recklessly and the non-participating manufacturer promptly cured the underpayment within 180 calendar days of notice of the underpayment; or

(B) The underpayment or lack of payment is the subject of a good faith dispute as documented to the satisfaction of the attorney general and the underpayment is cured within 90 calendar days of entry of a final order establishing the amount of the required escrow payment;

(2) any state or jurisdiction that is party to the master settlement agreement has removed the non-participating manufacturer, or its brands or brand families, or an affiliate, or such affiliate's brands or brand families, from the state's directory for noncompliance with the corresponding laws of such other state or jurisdiction at any time within three calendar years prior to the date of submission or approval of the most recent certification; or

(3) any state or jurisdiction that is party to the master settlement agreement has pending litigation, or an unsatisfied judgment against the non-participating manufacturer, or any affiliate thereof, for unpaid escrow obligations, or associated penalties, costs or attorney fees.

(d) As used in this section, “newly qualified non-participating manufacturer” means a non-participating manufacturer that has not previously been listed in the directory. Such non-participating manufacturer may be required to post a bond in accordance with this section for the first five years of its listing, or longer, if they have been deemed to pose an elevated risk for noncompliance.

New Sec. 6. No wholesale dealer, as defined in K.S.A. 79-3301, and amendments thereto, or distributor, as defined in K.S.A. 79-3301, and amendments thereto, of cigarettes shall be issued a license or granted a renewal of a license by the Kansas department of revenue unless such wholesale dealer or distributor has provided to the director reasonable assurances, in writing and under penalty of perjury, that such person will comply fully with the stamping agent requirements in this act.

New Sec. 7. (a) In addition to or in lieu of any other civil or criminal remedy provided by law, the director or the director’s designee, upon a finding that a stamping agent has violated subsection (a) of K.S.A. 50-6a04, and amendments thereto, or any rules or regulations adopted pursuant to this act, may revoke or suspend the license of any licensee in the manner provided by K.S.A.79-3309, and amendments thereto. Each package of cigarettes to which tax indicia is affixed, is caused to be affixed or tax is paid thereupon, and each sale or offer to sell cigarettes in violation of subsection (a) of K.S.A. 50-6a04, and amendments thereto, shall constitute a separate violation. The director may also impose a civil penalty in an amount not to exceed the greater of 500% of the retail value of the cigarettes involved or \$5,000 upon a finding of violation of subsection (a) of K.S.A. 50-6a04, and amendments thereto, or a violation of any rules or regulations adopted pursuant to this act. Such fine shall be imposed in the manner provided by K.S.A. 79-3391, and amendments thereto. Any fine collected pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the cigarette and tobacco products regulation fund created pursuant to subsection (e) of K.S.A. 79-3391, and amendments thereto. The moneys credited to this fund shall be used for the purposes of enforcement of this act, or K.S.A. 79-3301 et seq., and amendments thereto.

(b) The attorney general or the attorney general’s duly authorized designee shall, when requested by the director, assist the director in a hearing to suspend or revoke a stamping agent’s license for a violation of this act.

New Sec. 8. (a) The following shall be deemed contraband under K.S.A. 79-3323, and amendments thereto:

(1) Any cigarettes that have been sold, offered for sale or possessed for sale in this state in violation of subsection (a) of K.S.A. 50-6a04, and amendments thereto; and

(2) any cigarettes to which tax indicia has been affixed, was caused to be affixed or the tax paid thereupon as required by K.S.A. 79-3311 or 79-3371, and amendments thereto, in violation of subsection (a) of K.S.A. 50-6a04, and amendments thereto.

(b) Any cigarettes constituting contraband may be seized by the attorney general or attorney general’s authorized agent, the director or director’s authorized agent or any law enforcement officer. All such cigarettes shall be subject to seizure, with or without process or warrant, and forfeiture, as provided herein and in K.S.A. 79-3324a, and amendments thereto, and shall be destroyed and not resold. Such cigarettes shall be deemed contraband whether the violation of subsection (a) of K.S.A. 50-6a04, and amendments thereto, is knowing or otherwise.

(c) (1) Any stamping agent that distributes cigarettes in a state other than Kansas may store in its Kansas warehouse cigarettes made contraband pursuant to this section if such stamping agent has affixed the tax indicia of such other state to each package of cigarettes or can provide evidence that it has paid the required tax thereupon.

(2) Cigarettes made contraband pursuant to this section, without being subject to seizure or forfeiture, may be transported in, into or through the state either:

(A) On a commercial carrier with a proper bill of lading with an out-of-state destination;

(B) when the tax indicia of another state is affixed to each package of cigarettes; or

(C) on a commercial carrier with a proper bill of lading to a licensed Kansas stamping agent who affixes tax indicia to cigarettes for sale in a state other than Kansas if the packing

slip accompanying the shipment indicates the shipment is for sale in a state other than Kansas and identifies the state in which the shipment is to be sold. The time of delivery of the shipments shall be indicated on the bill of lading of the common carrier when delivery is completed. The receiving Kansas stamping agent must, within 24 hours of receiving the delivery, affix or caused to be affixed to each package of cigarettes the stamp of the state in which they are to be sold.

New Sec. 9. The attorney general, on behalf of the director, may seek an injunction to restrain a threatened or actual violation of this act by a stamping agent and to compel the stamping agent to comply with this act.

New Sec. 10. (a) It shall be unlawful for a person to sell or distribute cigarettes, or acquire, hold, own, possess, transport, import or cause to be imported cigarettes that the person knows or should know are intended for distribution or sale in this state in violation of subsection (a) of K.S.A. 50-6a04, and amendments thereto. A violation of this subsection shall be a class B misdemeanor.

(b) It shall be unlawful for a non-participating manufacturer, directly or indirectly, to falsely represent to any person in Kansas:

- (1) Any information about a brand family listed on the directory;
- (2) that it is a participating manufacturer;
- (3) that it has made all required escrow payments; or
- (4) that it has satisfied any other requirements imposed pursuant to this act.

A violation of this subsection is a class A nonperson misdemeanor.

(c) The attorney general shall have concurrent authority with any county or district attorney to prosecute any violation of this section.

New Sec. 11. (a) Any violation of this act involving the sale or attempted sale of cigarettes by a stamping agent to a retail dealer, vending machine operator or consumer, or by a retail dealer or vending machine operator to a consumer, shall constitute an unlawful and deceptive trade practice as provided in K.S.A. 50-626, and amendments thereto, and shall be subject to the penalties provided for in K.S.A. 50-623 et seq., and amendments thereto, in lieu of or in addition to any penalties provided in this act.

(b) For purposes of this section, a stamping agent shall be deemed a "supplier" for purposes of a consumer transaction, as defined in subsection (c) of K.S.A. 50-624, and amendments thereto, regardless of whether the stamping agent sells to a retail dealer or consumer.

(c) If a court determines that a person has violated this act, the court shall order any profits, gains, gross receipts or other benefit from the violation be surrendered. Any profits, gains, gross receipts or other benefit surrendered from the violation shall be collected pursuant to this subsection and shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the cigarette and tobacco products regulation fund created pursuant to subsection (e) of K.S.A. 79-3391, and amendments thereto.

(d) Unless otherwise expressly provided, the remedies or penalties provided by this act are cumulative to each other and to the remedies or penalties under all other laws of this state.

New Sec. 12. In any action brought by the state to enforce the provisions of this act the state shall be entitled to recover the costs of investigation, expert witness fees, costs of the action and reasonable attorney fees. Recovery of such costs and fees shall be remitted to the state agency or agencies who initiated and brought such action.

New Sec. 13. In any action under K.S.A. 50-6a03, and amendments thereto, reports of the numbers of non-participating manufacturers' cigarettes submitted to the attorney general or director pursuant to subsection (a) of section 3, and amendments thereto, shall be admissible in evidence. These reports shall be presumed to accurately account for the number of cigarettes on which state taxes were paid during the time period by the stamping agent that submitted the report absent a contrary showing by the non-participating manufacturer or importer. Nothing in this section shall be construed as limiting or otherwise affecting the state's right to maintain that such reports are incorrect or do not accurately reflect a non-participating manufacturer's sales in the state during the time period in question, and the presumption shall not apply in the event the state does so maintain.

New Sec. 14. Notwithstanding subsection (j) of K.S.A. 50-6a02, and amendments thereto, the attorney general may promulgate rules and regulations necessary to effect the purposes of this act for the regulation of tobacco product manufacturers. The director may promulgate rules and regulations necessary to effect the purposes of this act for the regulation of stamping agents, retail dealers and vending machine operators.

New Sec. 15. If a court of competent jurisdiction finds that the provisions of K.S.A. 50-6a01 through 50-6a03, and amendments thereto, conflict with and cannot be reconciled with any other provisions of this act, then such provisions of K.S.A. 50-6a01 thru 50-6a03, and amendments thereto, shall control. If any provision of this act causes K.S.A. 50-6a01 through 50-6a03, and amendments thereto, to no longer constitute a qualifying or model statute as those terms are defined in the master settlement agreement, then that portion of this act shall not be valid. If any provision of this act is for any reason held to be invalid, unlawful or unconstitutional, such decision shall not affect the validity of the remaining portions of this act or any part thereof.

Sec. 16. K.S.A. 50-6a04 is hereby amended to read as follows: 50-6a04. (a) ~~No person may affix, or cause to be affixed, tax stamps or meter impressions to individual packages of cigarettes or pay the required tax on roll-your-own tobacco in accordance with K.S.A. 79-3371, and amendments thereto, unless the tobacco product manufacturer that makes or sells such cigarettes or roll-your-own tobacco has:~~

- ~~(1) Become a participating manufacturer; or~~
- ~~(2) made all required escrow payments.~~

No person may:

(1) *Affix, or cause to be affixed, tax indicia to a package of cigarettes, or otherwise pay the tax due upon such cigarettes, of a tobacco product manufacturer brand family not included in the directory; or*

(2) *sell, offer, possess for sale or import for personal consumption in this state, cigarettes of a tobacco product manufacturer brand family not included in the directory.*

(b) (1) Not later than July 1, ~~2002~~ 2009, the attorney general shall develop a ~~list~~ *directory*, to be posted on the attorney general's website; ~~of all tobacco product manufacturers that have become participating manufacturers or made all required escrow payments. This list shall include the brand families identified by each such tobacco product manufacturer under subsection (c). The list shall be updated as necessary. A person may rely upon the attorney general's list in affixing or causing to be affixed stamps or meter impressions to individual packages of cigarettes or paying the tax on roll-your-own tobacco as required by K.S.A. 79-3371, and amendments thereto, of any brand family included on the list. Except as otherwise provided, the directory shall list all tobacco product manufacturers and brand families of such tobacco product manufacturers that have provided current and accurate certifications conforming to the requirements of subsection (c).~~

(2) *The attorney general shall not include or retain in the directory any non-participating manufacturer, or non-participating manufacturer's brand family, that has failed to provide the required certification, or whose certification the attorney general determines is not in compliance with subsection (c), unless such failure or noncompliance has been cured to the satisfaction of the attorney general.*

(3) *In the case of a non-participating manufacturer, neither the tobacco product manufacturer nor a brand family shall be included or retained in the directory if the attorney general concludes:*

(A) *That an escrow payment required pursuant to K.S.A. 50-6a03, and amendments thereto, for any period for any brand family, whether or not listed by such non-participating manufacturer, has not been fully paid into a qualified escrow fund governed by an escrow agreement that has been approved by the attorney general;*

(B) *that an outstanding final judgment, including interest thereon, for a violation of K.S.A. 50-6a03, and amendments thereto, has not been fully satisfied for such tobacco product manufacturer; or*

(C) *that, within three calendar years prior to the date of submission or approval of the most recent certification, such tobacco product manufacturer has defaulted on escrow payments in any other state or jurisdiction that is a party to the master settlement agreement and the default has not been cured within 90 calendar days of such default.*

(4) *The attorney general shall update the directory as necessary in order to correct mistakes and to add or remove a tobacco product manufacturer or brand family so as to keep the directory in conformity with the requirements of this act.*

(5) *The attorney general shall promptly post in the directory and transmit by electronic mail to each stamping agent that has provided an electronic mail address, notice of removal from the directory of a tobacco product manufacturer or brand family.*

(6) *Unless otherwise provided by agreement between a stamping agent and a tobacco product manufacturer, the stamping agent shall be entitled to a refund from a tobacco product manufacturer for any money paid by the stamping agent to the tobacco product manufacturer for any cigarettes of the tobacco product manufacturer in the possession of the stamping agent on the effective date of removal from the directory of that tobacco product manufacturer or brand family.*

(7) *Unless otherwise provided by agreement between a retail dealer or a vending machine operator and a tobacco product manufacturer, a retail dealer or a vending machine operator shall be entitled to a refund from a tobacco product manufacturer for any money paid by the retail dealer or vending machine operator to a stamping agent for any cigarettes of the tobacco product manufacturer still in the possession of the retail dealer or vending machine operator on the effective date of removal from the directory of that tobacco product manufacturer or brand family.*

(c) *In order to be included on the list developed by the attorney general under subsection (b), a tobacco product manufacturer shall (1) submit to the attorney general a list of brand families whose cigarettes are to be counted in calculating the participating manufacturer's annual payments under the master settlement agreement or required escrow payments whichever is applicable, (2) appoint a registered agent for service of process in the state and identify such registered agent to the attorney general, and (3) certify, under penalty of perjury, that all escrow payments have been made by all other tobacco product manufacturers that previously made or sold brand families identified under this subsection or brand style included within such brand families, except that, if the brand family or brand style was made or sold by the manufacturer before the effective date of this act, such manufacturer shall be required only to identify such predecessor manufacturer or manufacturers. A tobacco product manufacturer may update the list to reflect changes: (1) On or before April 30 of each year, every tobacco product manufacturer whose cigarettes are sold in this state, whether directly or through a stamping agent or similar intermediary or intermediaries, shall execute and deliver in the manner prescribed by the attorney general a certification to the attorney general certifying under penalty of perjury that, as of the date of such certification, such tobacco product manufacturer either is:*

(A) *A participating manufacturer; or*

(B) *in full compliance with K.S.A. 50-6a03, and amendments thereto, including payment of all quarterly installment payments as may be required by subsection (d).*

(2) *A participating manufacturer shall include in its certification a list of its brand families. The participating manufacturer shall update such list 30 calendar days prior to any addition to, or modification of its brand families by executing and delivering a supplemental certification to the attorney general.*

(3) *A non-participating manufacturer shall include in its certification:*

(A) *The number of units sold for each brand family sold in the state during the preceding calendar year;*

(B) *a list of all of its brand families sold in the state at any time during the current calendar year, including any brand family sold in the state during the preceding calendar year that is no longer being sold in the state as of the date of such certification;*

(C) *the identity, by name and address, of any other tobacco product manufacturer who manufactured such brand families in the preceding or current calendar year;*

(D) *a declaration that such non-participating manufacturer is registered to do business in the state, or has appointed a resident agent for service of process, and provided notice thereof as required by section 2, and amendments thereto;*

(E) *a declaration that such non-participating manufacturer:*

(i) *Has established and continues to maintain a qualified escrow fund; and*

(ii) has executed an escrow agreement that governs the qualified escrow fund and that such escrow agreement has been reviewed and approved by the attorney general;

(F) a declaration that such non-participating manufacturer consents to the jurisdiction of the district court of the third judicial district, Shawnee county, Kansas, for purposes of enforcing this act, or rules or regulations promulgated pursuant thereto, as required by subsection (c) of section 2, and amendments thereto;

(G) a declaration that such non-participating manufacturer is in full compliance with subsection (b) of K.S.A. 50-6a03, and amendments thereto, and any rules or regulations promulgated pursuant to this act;

(H) (i) the name, address and telephone number of the financial institution where the non-participating manufacturer has established such qualified escrow fund required pursuant to subsection (b) of K.S.A. 50-6a03, and amendments thereto;

(ii) the account number of such qualified escrow fund and any sub-account number for the state of Kansas;

(iii) the amount such non-participating manufacturer placed in such qualified escrow fund for cigarettes sold in this state during the preceding calendar year, the date and amount of each such deposit and such evidence or verification as may be deemed necessary by the attorney general to confirm the foregoing; and

(iv) the amount and date of any withdrawal or transfer of funds the non-participating manufacturer made at any time from such qualified escrow fund or from any other qualified escrow fund into which it ever made escrow payments pursuant to subsection (b) of K.S.A. 50-6a03, and amendments thereto; and

(I) in the case of a non-participating manufacturer located outside of the United States, a declaration from each of its importers to the United States of any of its brand families to be sold in Kansas that such importer accepts joint and several liability with the non-participating manufacturer for:

(i) All escrow deposits due under subsection (b) of K.S.A. 50-6a03, and amendments thereto;

(ii) all penalties assessed under subsection (b) of K.S.A. 50-6a03, and amendments thereto; and

(iii) payment of all costs and attorney fees pursuant to any successful action under this act against said manufacturer.

Such declarations by importers of a non-participating manufacturer shall appoint for the declarant a resident agent for service of process in Kansas in accordance with section 2, and amendments thereto, and consent to jurisdiction in accordance with section 2, and amendments thereto.

(4) A tobacco product manufacturer may not include a brand family in its certification unless:

(A) In the case of a participating manufacturer, said participating manufacturer affirms that the brand family shall be deemed to be its cigarettes for purposes of calculating its payments under the master settlement agreement for the relevant year in the volume and shares determined pursuant to the master settlement agreement; or

(B) in the case of a non-participating manufacturer, said non-participating manufacturer affirms that the brand family shall be deemed to be its cigarettes for purposes of subsection (b) of K.S.A. 50-6a03, and amendments thereto.

Nothing in this paragraph shall be construed as limiting or otherwise affecting the state's right to maintain that a brand family constitutes cigarettes of a different tobacco product manufacturer for purposes of calculating payments under the master settlement agreement or subsection (b) of K.S.A. 50-6a03, and amendments thereto.

(5) Invoices and documentation of sales and other such information relied upon for such certification shall be maintained by tobacco product manufacturers for a period of at least five years.

(d) In addition to or in lieu of any other civil or criminal penalty provided by law, upon a finding that a licensee has violated subsection (a) or any rules and regulations adopted pursuant thereto, the director may revoke or suspend the license of any licensee in the manner provided by K.S.A. 79-3309, and amendments thereto. The director may also impose a civil fine in an amount not to exceed the greater of 500% of the retail value of the

cigarettes or roll-your-own tobacco involved or \$5,000 upon a finding of a violation of subsection (a) or any rules and regulations adopted pursuant thereto. Such fine shall be imposed in the manner provided by K.S.A. 79-3391, and amendments thereto. *The attorney general may require a tobacco product manufacturer subject to the requirements of subsection (c) to make the escrow deposits required by subsection (b) of K.S.A. 50-6a03, and amendments thereto, in quarterly installments during the calendar year in which the sales covered by such deposits are made. The attorney general may require production of information sufficient to enable the attorney general to determine the adequacy of the amount of the installment deposit.*

(c) Any cigarettes or roll-your-own tobacco that are stamped, to which a meter impression is affixed or for which tax is paid as required by K.S.A. 79-3371, and amendments thereto, in violation of subsection (a) shall be deemed contraband under K.S.A. 79-3323, and amendments thereto, and shall be subject to seizure and forfeiture as provided therein and in K.S.A. 79-3324a, and amendments thereto. All such cigarettes and roll-your-own tobacco seized and forfeited shall be destroyed. Such cigarettes and roll-your-own tobacco shall be deemed contraband whether the violation of subsection (a) is knowing or otherwise.

—(f) (1) The director may require wholesale dealers and distributors to submit such information as is necessary to enable the attorney general to determine whether a nonparticipating manufacturer has made the required escrow payments.

—(2) The attorney general may require nonparticipating manufacturers to submit such information as the attorney general may determine is necessary to enable the attorney general to determine whether a nonparticipating manufacturer has made the required escrow payments.

—(g) The attorney general may require a nonparticipating manufacturer to make the required escrow payments in quarterly installments during the year in which the sales covered by such payments are made in order to be placed on the list developed by the attorney general under subsection (b).

—(h) (1) It shall be unlawful for a nonparticipating manufacturer, directly or indirectly, to falsely represent to any person in Kansas:

—(A) Any information about a brand family pursuant to the list submitted pursuant to subsection (b);

—(B) that it is a participating manufacturer;

—(C) that it has made all required escrow payments; or

—(D) that it has satisfied any other requirements imposed pursuant to this statute.

—(2) Violation of this section is a class A, nonperson misdemeanor.

—(i) The director and the attorney general may enter into a written agreement authorizing the exchange of information reasonably necessary to the enforcement and administration of this section.

—(j) As used in this section:

—(1) “Participating manufacturer” has the meaning ascribed thereto in subsection (a) of K.S.A. 50-6a03, and amendments thereto.

—(2) “Required escrow payments” means the amounts described in subsection (b)(1) of K.S.A. 50-6a03, and amendments thereto.

—(3) “Director” means the director of taxation.”;

And by renumbering sections accordingly;

Also on page 2, in line 28, by striking “60-1505” and inserting “50-6a04”; in line 30, by striking “Kansas register” and inserting “statute book”;

In the title, in line 10, by striking all after “concerning”; in line 11, by striking “disease; amending K.S.A. 60-1505” and inserting “tobacco; relating to the enforcement of the laws regarding the sale of cigarettes; amending K.S.A. 50-6a04”;

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 154** was adopted.

On roll call, the vote was: Yeas 121; Nays 3; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, 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, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Dillmore, Lane.

Present but not voting: None.

Absent or not voting: Seiwert.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 225**, 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, in line 29, by striking "participation in" and inserting "a matching grant under"; following line 30, by inserting the following:

"(6) "Application" means an application for a matching grant under the program.";

Also on page 1, in line 31, by striking "(6)" and inserting "(7)";

On page 2, in line 5, by striking "for participation in the program"; in line 22, by striking "accounts" and inserting "applications"; in line 32, by striking "participant" and inserting "application";

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

TERRIE HUNTINGTON
MARC RHOADES

ANN E. MAH

Conferees on part of House

JEAN KURTIS SCHODORF
JOHN VRATIL

ANTHONY HENSLEY

Conferees on part of Senate

On motion of Rep. Huntington, the conference committee report on **SB 225** was adopted.

On roll call, the vote was: Yeas 106; Nays 18; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, 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, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, Kiegerl, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller,

Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Brunk, DeGraaf, Gordon, Huebert, Kelley, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Neufeld, O'Brien, Peck, Powell, Schwartz.

Present but not voting: None.

Absent or not voting: Seiwert.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2131**, 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 16 through 43;

By striking all on pages 2 and 3 and inserting the following:

“Section 1. The secretary of transportation is hereby authorized to establish an intermodal transportation revolving fund to provide assistance to governmental units for intermodal transportation projects.

Sec. 2. As used in sections 1 through 7, and amendments thereto:

(a) “Cost” means as applied to any qualified project, any or all costs, whenever incurred, approved by the department, for carrying out a qualified project;

(b) “department” means the department of transportation, established under K.S.A. 75-5001, and amendments thereto;

(c) “fund” means the Kansas intermodal transportation revolving fund established by section 4, and amendments thereto;

(d) “governmental unit” means any town, city, district, county, commission, agency, authority, board or other instrumentality of the state or of any of its political subdivisions, including any combination thereof, which has a qualified project located within the boundaries of such entity or within the jurisdiction of such entity;

(e) “intermodal facility” means land, improvements, personal property and fixtures developed primarily to handle the transfer, storage and distribution of freight through railway and trucking operations with a cost in excess of \$150,000,000;

(f) “intermodal transportation area” means an area including an intermodal facility and such additional area certified by the secretary to be impacted by such intermodal facility;

(g) “intermodal transportation project” means any bridge, culvert, highway, road, street, underpass, railroad crossing or combination thereof located within an intermodal transportation area;

(h) “private enterprise” means a private person or entity that has entered into a contract with a governmental unit to design, finance, construct or operate a qualified project that is within the jurisdiction of such public authority;

(i) “project” means the acquisition, construction, improvement, repair, rehabilitation, maintenance or extension of transportation facilities;

(j) “project costs” means all costs or expenses which are necessary or incident to a qualified project and which are directly attributable thereto, including, but not limited to, land acquisition;

(k) “qualified borrower” means any governmental unit or private enterprise which is authorized to construct, operate or own a qualified project;

(l) “qualified project” means any public or private intermodal transportation project, including, without limitation, the construction, reconstruction, resurfacing, restoration, rehabilitation or replacement of public or private intermodal transportation projects within the state, that is determined by the secretary to be of statewide as well as local importance and by the city or county in which the qualified project is located to be of local importance;

(m) “revenues” means when used with respect to the department, any receipts, fees, revenues or other payments received or to be received by the department under sections 1 through 7, and amendments thereto; and

(n) “secretary” means the secretary of the department of transportation.

Sec. 3. (a) The secretary shall administer the provisions of sections 1 through 7, and amendments thereto, and shall be responsible for the administration and management of the fund, and shall have the power to enter into agreements and contracts and to transfer money between the state highway fund and the fund as required to effect the purposes of sections 1 through 7, and amendments thereto.

(b) The secretary shall adopt rules and regulations, to carry out the purposes and provisions of sections 1 through 7, and amendments thereto.

Sec. 4. (a) There is hereby established in the state treasury a fund to be known as the Kansas intermodal transportation revolving fund which shall consist of the following:

(1) Amounts appropriated or otherwise made available by the legislature for the purposes of the fund;

(2) the proceeds, if any, from the sale of bonds issued pursuant to section 5, and amendments thereto, for the purposes of the fund to the extent provided in any agreement entered into between the secretary and the Kansas development finance authority;

(3) amounts of repayments made by qualified borrowers of loans received under sections 1 through 7, and amendments thereto, together with payments of interest thereon, in accordance with agreements entered into between such qualified borrowers and the secretary;

(4) amounts earned on moneys in the fund;

(5) amounts contributed or otherwise made available by any public or private entity for use in effectuating the purposes of the fund;

(6) amounts transferred by order of the secretary from the state highway fund; and

(7) any other amounts as may be made available for purposes of the fund.

(b) Subject to the provisions of sections 1 through 7, and amendments thereto, expenditures from the fund shall be made for the following purposes:

(1) For the payment of the principal, including sinking fund payments of and premium, if any, and interest on bonds issued pursuant to sections 1 through 7, and amendments thereto;

(2) for providing financial assistance to qualified borrowers to finance qualified projects;

(3) for the maintenance of, or provision for, any reserves, additional security, insurance or other form of credit enhancement to secure such bonds required or provided for in any trust agreement entered into pursuant to sections 1 through 7, and amendments thereto;

(4) to guarantee, purchase insurance or provide other credit enhancement for bonds of qualified borrowers issued to finance the costs of qualified projects;

(5) to provide reserves for or otherwise secure bonds issued pursuant to sections 1 through 7, and amendments thereto, and to provide insurance or other credit enhancement for such bonds;

(6) to provide reserves for, or to otherwise secure, amounts payable by qualified borrowers on loans made by and leases with the department in the event of default by a particular qualified borrower or, on a parity basis, by any qualified borrower;

(7) to provide a subsidy for, or to otherwise assist, qualified borrowers in the payment of debt service costs on loans made by the department hereunder;

(8) for administrative costs of the fund or for any of the foregoing;

(9) the transfer of money by order of the secretary to the state highway fund; and

(10) the transfer of money by order of the secretary to the state general fund.

Sec. 5. (a) The activities of the department in administering and performing the powers, duties and functions prescribed by the provisions of sections 1 through 7, and amendments thereto, are hereby approved for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of issuance of bonds by the Kansas development finance authority in accordance with that statute. The provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, shall not prohibit the issuance of bonds for such purposes when so authorized and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto.

(b) The debt service for any bonds issued pursuant to this section shall be paid from revenues, including loan repayments received from qualified borrowers under agreements entered into pursuant to sections 1 through 7, and amendments thereto, or from any other amounts available in the Kansas intermodal transportation revolving fund pursuant to section 4, and amendments thereto, including appropriations of moneys from the state general fund.

(c) Neither the state nor the department shall have the power to pledge the full faith and credit or taxing power of the state of Kansas for such purposes and any payment by the department for such purpose shall be subject to and dependent on appropriations by the legislature. Any obligation of the state or the department for payment of debt service on bonds issued pursuant to this section shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the Kansas constitution.

(d) No governmental unit is authorized to pledge its full faith and credit or its taxing power for the purpose of repayment of any loan under this act.

Sec. 6. (a) Qualified borrowers which desire assistance in the form of a loan, credit enhancement or grant under sections 1 through 7, and amendments thereto, shall submit an application therefor to the secretary. Applications shall be in such form and shall include such information as the secretary shall require and shall be submitted in a manner and at a time to be determined by the secretary.

(b) The secretary may enter into agreements with any qualified borrower for payment of all or a part of project costs. All moneys received by the secretary pursuant to such agreements shall be deposited in the Kansas intermodal transportation revolving fund.

(c) The secretary shall provide any governmental unit, upon its request, with technical advice and assistance regarding a project or an application for assistance. The secretary may assess reasonable fees for providing such assistance.

(d) Any governmental unit may enter into agreements with the secretary and may accept assistance as provided in this section when so authorized by its governing body.

Sec. 7. (a) Upon the failure of a governmental unit to meet the repayment terms and conditions of an agreement, the secretary may order the state treasurer to pay to the fund such portion of the governmental unit's share of the special city and county highway fund as may be necessary to meet the terms of the agreement. This subsection shall not apply if the source of repayment of a loan with a governmental unit, as identified in the agreement, is not received by such governmental unit prior to the loan repayment date.

(b) Any loans received by a governmental unit under the provisions of sections 1 through 7, and amendments thereto, shall be construed to be bonds for the purposes of K.S.A. 10-1116, and amendments thereto, and the amount of such loans shall not be included within any limitation on the bonded indebtedness of the governmental unit.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, by striking all in lines 10 through 13 and inserting the following:
 “AN ACT concerning transportation; relating to intermodal transportation projects, and providing for the financing thereof.”;

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 2131** was adopted. On roll call, the vote was: Yeas 118; Nays 6; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Do-

nohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleebl, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brookens, Faber, D. Gatewood, Merrick, Peck, Winn.

Present but not voting: None.

Absent or not voting: Seiwert.

EXPLANATION OF VOTE

MR. SPEAKER: Do we really want to issue and guarantee bonds on intermodal transportation projects when the unit of government cannot afford it or cannot gain the bonding authority to perform the project? If we do, should it be automatic funding without review as to the wisdom of the project? While the bill seems a good thing at first blush, on further review, I believe this is ill-advised. I vote no on **HB 2131**.—J. ROBERT BROOKENS

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2134**, 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, following line 14, by inserting the following:

“New Section 1. (a) On and after January 1, 2010, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of not more than 20,000 pounds who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one support Kansas arts license plate for each such passenger vehicle or truck. 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 Kansas arts commission, created under K.S.A. 74-5202, and amendments thereto, may authorize the use of their logo to be affixed on license plates as provided by this section. Any royalty payment to such commission derived from this section shall be credited to the Kansas arts commission special gifts fund and, shall be used in accordance with the provisions of K.S.A. 74-5204, and amendments thereto. Any motor vehicle owner or lessee may annually apply to the commission for the use of such logo. Upon annual application and payment to the commission 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 commission 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 support Kansas arts license plate 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 motor vehicles, and any applicant for the support Kansas arts 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 support Kansas arts 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 support Kansas arts license plate to the county treasurer of such person's residence.

(f) The Kansas arts commission shall:

(1) Pay the initial cost of silk-screening for such support Kansas arts license plates; and

(2) provide to all county treasurers a toll-free telephone number where applicants can call the Kansas arts commission for information concerning the application process or the status of their license plate application.

(g) The Kansas arts commission, with the 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.

Sec. 2. K.S.A. 2008 Supp. 8-132 is hereby amended to read as follows: 8-132. (a) Subject to the provisions of this section and K.S.A. 8-1,125, and amendments thereto, the division of vehicles shall furnish to every owner whose vehicle shall be registered one license plate for such vehicle. Such license plate shall have displayed on it the registration number assigned to the vehicle and to the owner thereof, the name of the state, which may be abbreviated, and the year or years for which it is issued. The same type of license plates shall be issued for passenger motor vehicles, rented without a driver, as are issued for private passenger vehicles.

(b) During calendar year 1975 commencing on the effective date of this act, and during every fifth calendar year thereafter, the division of vehicles shall furnish one license plate for any type of vehicle an owner registers or has the registration thereof renewed, but during the succeeding four-year period following calendar year 1975 and during the succeeding four-year period following every fifth calendar year subsequent to 1975, the division of vehicles shall not furnish any license plate for the renewal of a vehicle's registration. During calendar year 1976 and during each calendar year thereafter in which a license plate is not issued for the renewal of registration of a vehicle, the division of vehicles shall furnish one decal for the license plate issued for a vehicle as provided in K.S.A. 8-134, and amendments thereto, for each registration and renewal of registration of such vehicle. Notwithstanding the foregoing provisions of this subsection, whenever, in the discretion of the director of vehicles, it is determined that the license plates currently being issued and displayed are not deteriorating to the extent that their replacement is warranted, the director may adopt rules and regulations to extend the five-year issuance cycle provided for in this subsection by one year at a time, and in the same manner the director may further extend such cycle by one year at a time, successively as the director determines appropriate. If the cycle is extended at the expiration of the extended term, new license plates shall again be issued in the manner and for the term provided in such rules and regulations, except that the owner of a motor vehicle currently registered may continue to display the license plate currently being issued and displayed for a period not to exceed three registration years from the date of the expiration of the extended term. The division shall furnish one decal for each such license plate in accordance with the provisions of this subsection.

(c) Two personalized license plates may be issued to any owner or lessee of a passenger vehicle or a truck licensed for a gross weight of not more than 20,000 pounds, who makes proper application to the division of vehicles not less than 60 days prior to such owner's or lessee's renewal of registration date. Such application shall be on a form prescribed by the division and accompanied by a fee of \$40, which shall be in addition to any other fee required to renew the registration of such passenger vehicle under the laws of this state. One such personalized license plate shall be displayed on the rear of the vehicle and, at the option of the owner or lessee, the other license plate may be displayed on the front of the vehicle, except that no registration decal shall be issued pursuant to K.S.A. 8-134, and amendments thereto, for any such license plate displayed on the front of such vehicle. One personalized license plate may be issued to any owner of a motorcycle upon proper application in the same manner provided in this subsection (c) for passenger vehicles and trucks. The \$40 fee shall be paid only once during the registration period for which such license plates were

issued, and any subsequent renewals during the registration period shall be subject only to the registration fee prescribed by K.S.A. 8-143, and amendments thereto. The division shall design distinctive, personalized license plates to be issued which shall contain not more than seven letters or numbers on truck or passenger vehicle license plates and not more than five letters or numbers on motorcycle license plates, or a combination thereof, to be designated by the applicant in lieu of the letters and numbers required by K.S.A. 8-147, and amendments thereto, other than the letters required to designate the county in which such vehicle is registered. Unless the letters or numbers designated by the applicant have been assigned to another vehicle ~~of the same type registered in the same county~~, or unless the letters or numbers designated by the applicant have a profane, vulgar, lewd or indecent meaning or connotation, as determined by the director of vehicles, the division shall assign such letters or numbers to the applicant's vehicle, and the letters or numbers, or combination thereof, so assigned shall be deemed the registration number of such vehicle. Subject to the foregoing provisions, all license plates issued under this section shall be manufactured in accordance with K.S.A. 8-147, and amendments thereto. Such license plates shall be issued for a registration period of five years commencing in 1985 and each five years thereafter.

The secretary of revenue shall adopt rules and regulations necessary to carry out the provisions of this act, including, without limitation, rules and regulations concerning (1) the procedure for insuring that duplicate license plates are not issued ~~in the same county throughout the state~~, (2) the procedure for reserving distinctive license plates for the purpose of obtaining the same on each annual renewal of registration, (3) the procedure for allowing the transfer of personalized license plates from one vehicle to another for which such license plates were originally issued, when the title to the original vehicle has not been transferred and the name or names of the owner or owners listed on the titles to both vehicles are identical, and (4) procedures necessary to coordinate this act with other laws of this state governing registration of vehicles. The director of vehicles shall remit all moneys received by the division of vehicles 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 state highway fund.

Sec. 3. K.S.A. 8-160 is hereby amended to read as follows: 8-160. As used in this act, the term "disabled veteran" means a person who has served in the armed forces of the United States and who is entitled to compensation for a ~~one hundred percent (100%) disability under service-connected disability of at least 50% and the laws administered by the veterans administration~~ or who is entitled to compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree.;

And by renumbering remaining sections accordingly;

Also on page 1, in line 29, by striking "or 8-1,158" and inserting ", 8-1,158 or section 1"; in line 35, by striking all following "received"; by striking all in lines 36 through 38; in line 39, by striking all preceding the period and inserting "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";

On page 2, by striking all in line 30 and inserting the following:

"Sec. 5. K.S.A. 8-160 and K.S.A. 2008 Supp. 8-132 and 8-1,141 are hereby repealed.;"

In the title, in line 10, by striking "distinctive"; in line 11, following "amending" by inserting "K.S.A. 8-160 and"; also in line 11, following "Supp." by inserting "8-132 and"; in line 12, by striking "section" and inserting "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 to adopt the conference committee report on **HB 2134**, Rep. Worley 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. Hayzlett and the conference committee report was adopted.

On roll call, the vote was: Yeas 86; Nays 38; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Benlon, Bethell, Brookens, A. Brown, T. Brown, Brunk, Carlson, Colloton, Crow, Crum, Davis, Donohoe, Faber, Feuerborn, Finney, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kerschen, Kiegerl, Kinzer, Kleeb, Landwehr, Light, Long, Lukert, Mah, Maloney, McLeland, Menghini, Morrison, Myers, Navinsky, Neighbor, Neufeld, O'Neal, Olson, Palmer, Patton, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slattery, Svaty, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, Yoder.

Nays: Bowers, Burgess, Burroughs, Carlin, Craft, DeGraaf, Dillmore, Flaharty, Frownfelter, Garcia, Hawk, Hill, Huntington, Kelley, King, Knox, Kuether, Lane, Loganbill, Mast, McCray-Miller, Merrick, Moxley, O'Brien, Otto, Peck, Peterson, Quigley, Rardin, Ruiz, Sawyer, Sloan, Spalding, Swenson, Tietze, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Seiwert.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Neufeld, the House concurred in Senate amendments to **HB 2308**, An act concerning the personal and family protection act; amending K.S.A. 2008 Supp. 75-7c03, 75-7c04 and 75-7c05 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 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Seiwert.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Huntington moved, pursuant to House Rule 2303, that the House reconsider its action in not adopting the conference committee report on **SB 171** to agree to disagree. The motion prevailed (see previous action, p. 485).

On motion of Rep. Huebert, the conference committee report on **SB 171** to agree to disagree was adopted.

Speaker O'Neal thereupon appointed Reps. Huebert, Schwab and Sawyer as second conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **Sub. SB 184** be passed.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Thursday, April 2, 2009.

Journal of the House

FIFTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, April 2, 2009, 9:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 124 members present.
Rep. Lane was excused on excused absence by the Speaker.
Present later: Rep. Lane.

Prayer by Chaplain Brubaker:

Father God,
It's crunch time . . .
last minute conference committee meetings,
last minute opportunities to change a vote,
last minute modifications of a bill,
last minute pleas to hear.
Lord, in our haste and eagerness
to complete our work,
don't let us take final action without
careful thought and consideration.
Keep us focused . . .
keep us alert . . .
keep us in a spirit of unity . . .
give us Your wisdom.
In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Feuerborn.

PERSONAL PRIVILEGE

Rep. Svaty addressed the following remarks to the members of the House:

Most of you know I was elected to this position shortly after graduating from kindergarten. It's particularly an honor for me, therefore, to be introducing all of you to my son, Jackson Cole Svaty.

Jackson was 8.1 lbs. when he was born, which is about 1900 pounds per megawatt hour. All jokes aside, his mother Kimberly is with us in the gallery today and we are both proud to introduce Jackson to you. Thank you for all of your thoughts and prayers.

Rep. Moxley presented Rep. Svaty with a framed, light-hearted birth certificate.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Committee of the Whole: **HCR 5022**.

MESSAGE FROM THE SENATE

Announcing adoption of **SCR 1617**.

The Senate adopts conference committee report on **S. Sub. for HB 2126**.

The Senate adopts conference committee report on **HB 2250**.

The Senate adopts conference committee report on **HB 2292**.

The Senate adopts the conference committee report to agree to disagree on **HB 2172** and has appointed Senators Donovan, D. Schmidt and Holland as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2162** and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2324** and has appointed Senators Donovan, D. Schmidt and Holland as 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 1617.

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 morning session.

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 **HCR 5021, HCR 5020; SCR 1610** be adopted.

Committee report to **HB 2374** be adopted; and the bill be passed as amended.

Committee report to **HB 2388** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 218** be adopted; also, roll call was demanded on motion of Rep. Huntington to amend on page 2, by striking all in lines 38 through 43;

By striking all on pages 3 through 15;

On page 16, by striking all in lines 1 through 28; in line 29, by striking all after "65-445"; by striking all in line 30; in line 31, by striking all before "hereby" and inserting "is";

On page 1, in the title, in line 9, by striking all after "regarding"; in line 10, by striking all before the semicolon; also in line 10, by striking all after "65-445"; by striking all in line 11, in line 12, by striking all before "and" where it appears for the second time, in line 13, by striking all after "existing" and inserting "section."

On roll call, the vote was: Yeas 44; Nays 79; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, Brookens, T. Brown, Carlin, Colloton, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Gordon, Goyle, Hawk, Henderson, Hill, Huntington, Johnson, Kuether, Loganbill, Mah, McCray-Miller, Menghini, Moxley, Neighbor, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Talia, Tietze, Trimmer, Winn, K. Wolf, Worley.

Nays: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Burroughs, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, Fund, D. Gatewood, George, Guico, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Maloney, Mast, McLeland, Merrick, Morrison, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Svaty, Swanson, Swenson, Tafanelli, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Horst, Lane.

The motion of Rep. Huntington did not prevail.

Also, roll call was demanded on motion of Rep. Loganbill to amend **H. Sub. for SB 218** on page 14, in line 35, by striking all after "abortion"; in line 36, by striking "viable fetus unless"; in line 42, by striking "such person is a physician and has a documented re-"; by striking all in line 43;

On page 15, by striking all in lines 1 through 8; in line 9, by striking all before the period; by striking all in lines 27 through 43;

On page 16, by striking all in lines 1 through 28;

On roll call, the vote was: Yeas 39; Nays 85; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Benlon, T. Brown, Carlin, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Gordon, Goyle, Hawk, Henderson, Hill, Huntington, Johnson, Kuether, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Pottorff, Quigley, Rardin, Roth, Ruiz, Sawyer, Sloan, Spalding, Tietze, Trimmer, Ward, Winn, K. Wolf, Worley.

Nays: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, 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, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Svaty, Swanson, Swenson, Tafaneli, Talia, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Lane.

The motion of Rep. Loganbill did not prevail; and **H. Sub. for SB 218** be passed.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6025—

By Representative Grant

A RESOLUTION congratulating and commemorating the educational leadership and career of Mr. David DeMoss.

WHEREAS, David DeMoss, the Executive Director of the Southeast Kansas Education Service Center, an education service agency that provides over 200 educational programs for students in kindergarten through twelfth grade including a one-of-a-kind Bioscience Education center, the state's largest educational distance learning program and numerous other programs and services that enable schools to operate more efficiently and effectively; and

WHEREAS, David DeMoss attended Pittsburg State University, earning his Bachelor's Degree in Printing and Technology in 1970, his Master's Degree in Trade and Industrial Education in 1971 and his Education Specialist Degree in School Administration in 1980; and

WHEREAS, Mr. DeMoss served as Graphic Arts Instructor for the Southeast Kansas Area Vocational Technical School from 1970 to 1974. In 1975, he assumed the role of Vocational Coordinator for the Southeast Career and Vocational Education Service. In 1976, while serving as the Vocational Coordinator, Mr. DeMoss was appointed to the position of Executive Director of the newly formed Inter-local #609, Southeast Kansas Education Service Center, also known as Greenbush. Under David DeMoss' leadership over the past 33 years, Greenbush has evolved from a regional service agency into a major educational center impacting the educational opportunities of hundreds of thousands of Kansans and influencing school leadership in the state; and

WHEREAS, David DeMoss led the growth of the Southeast Kansas Education Service Center from an organization offering only a video library, cooperative purchasing and audiovisual repair, to a nationally respected educational agency; and

WHEREAS, Mr. DeMoss, through his vision, leadership and never-ending quest to provide equal educational opportunities for everyone, has enhanced the quality of learning from birth to adult across the state of Kansas: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend David DeMoss for 33 years of dedicated service as the Executive Director of the Southeast Kansas Education Service Center; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of the resolution to David DeMoss, 610 S Carbon, Girard, Kansas, 66743.

INTRODUCTION OF GUESTS

There being no objection, the following remarks by Rep. Menghini, on behalf of Reps. Grant, D. Gatewood, Palmer and Williams, are spread upon the journal:

We are here today to recognize the accomplishments of Dick Webb who recently passed away from lung cancer. Today we have with us Dick's wife, Kaye Lynne Webb, his daughter, Susie Lundy, and his son, Rick Webb, who now runs the show. Dick has been a great asset to the state of Kansas. You may not yet recognize the name, but he is infamous in our part of the state for his many accomplishments and philanthropy. He began the SEK Railroad back in 1983 at the kitchen table with his wife Kaye Lynne. You may not recognize SEK Railroad either. The company is now Watco Companies, a name many of you will recognize. Dick grew the business to 26 states since 1983. The headquarters are in southeast Kansas, in Pittsburg. They have over 2,000 employees. Watco companies spans half of the legislative districts of the state, from Kansas City to Pittsburg to the Colorado border. It's the largest shortline railroad in Kansas. It has mechanical shops in Pittsburg, Coffeyville, Neodesha, Wichita and Junction City. I mention this because Dick's passion for the mechanical aspect of the railroad was what he loved. Watco has employees that work in Kansas City, Pittsburg, Cherryvale, Chanute, Winfield, Wichita, Hutchinson, Great Bend, Salina and Scott City. Dick truly was an influence on the entire state of Kansas. In addition, to the business accomplishments, the Webb family has a long tradition of philanthropy for Pittsburg and SEK. They are great supporters of the community and Pittsburg State University. They have been a great asset to the state of Kansas. Please join me in offering our condolences and recognizing the many great accomplishments of Dick Webb.

INTRODUCTION OF GUESTS

There being no objection, the following remarks by Rep. McCray-Miller, on behalf of the South Central delegation, are spread upon the journal:

The Wichita Heights Falcons boys' basketball team completed a 24-1 season by earning the Class 6A State Championship in Emporia on March 14. Heights defeated Wichita Southeast 73-58 to earn the first boys' championship for the school in 32 years. The team also earned the prestigious sportsmanship award from the Kansas State High School Activities Association for its conduct at the state tournament. The Falcons posted a 16-0 record in the city league to become the first team since 1994 to go undefeated in league play. Perry Ellis became the first freshman in Kansas history to be named first team all state and Gatorade State Player of the Year. Head Coach Joe Auer was named the state coach of the year by the Wichita Eagle.

Team members present today are Perry Ellis, Terrence Moore, Evan Wessel, Dreamius Smith, E.J. Dobbins, Jay Bradley, Jalen Owens, Keith Riley, Darrel Dempsey, Thomas Bland, Austin Bahner, Dorrian Roberts and Steven VanLooy; managers, Aaron Roberts and Kyle Coffman; and coaches, Joe Auer, Bryan Chadwick, Tyler Richardson, Richard Vix and Ben Wahlers.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for SB 257, An act concerning cities; relating to public improvements outside the city limits; amending K.S.A. 12-693 and repealing the existing section, 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Fa-ber, Feuerborn, Finney, Frownfelter, Fund, Furtado, Garcia, S. Gatewood, George, Goico,

Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Carlin, Dillmore, Flaharty, D. Gatewood.

Present but not voting: None.

Absent or not voting: Lane.

The substitute bill passed, as amended.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 68**, 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, 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 15; following line 15, by inserting the following:

"Section 1. K.S.A. 20-2608 is hereby amended to read as follows: 20-2608. (a) Any judge may retire upon reaching age 65 or age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the judge is equal to or more than 85 and upon making application for retirement to the board. Any judge upon reaching age 75 shall retire, except that ~~any duly elected or appointed justice of the supreme court shall retire upon reaching age 70 when any judge attains the age of 75, such judge may, if such judge desires, finish serving the term during which such judge attains the age of 75.~~ Upon retiring, each such judge as described in this subsection shall receive retirement annuities as provided in K.S.A. 20-2610, and amendments thereto; ~~except, that when any justice of the supreme court attains the age of 70, such judge may, if such judge desires, finish serving the term during which such judge attains the age of 70.~~

(b) Notwithstanding the provisions of subsection (a), any judge who is otherwise eligible to retire may retire upon reaching age 60 and, having total years of service of not less than 10 years, and upon making application to the board. Any such judge who retires on and after July 1, 1993, and prior to attaining the age of 62 shall receive a retirement annuity pursuant to K.S.A. 20-2610, and amendments thereto, based upon the normal retirement age of 62 reduced by an amount equal to the product of (1) such annual retirement annuity payable had the judge retired on the normal retirement date, multiplied by (2) the product of .2% multiplied by the number of months' difference, to the nearest whole month, between the judge's attained age at the time of retirement and age 62.

(c) Notwithstanding the provisions of subsection (a), on or after July 1, 1993, any judge who is otherwise eligible to retire may retire upon reaching age 55 with the completion of 10 years of service, and upon making application to the board. Any such judge who retires prior to attaining the age of 62 pursuant to this subsection shall receive a retirement annuity pursuant to K.S.A. 20-2610, and amendments thereto, based upon the normal retirement age of 62 reduced by an amount equal to the total of: (1) (A) The product of such annual retirement annuity payable had the judge retired on the normal retirement date, multiplied by (B) the product of .6% multiplied by the number of months' difference, to the nearest whole month, between the member's attained age at the time of retirement and age 60; and

(2) for any judge who retired on or after July 1, 1993, the product of such annual retirement annuity payable had the judge retired on the normal retirement date, multiplied by 4.8%.

The provisions of this subsection apply to any judge who retires before the age of 62 and has attained age 55 but has not attained age 60, with the completion of 10 years of service.”;

Also on page 4, in line 16, by striking all after “3.” and inserting “K.S.A. 20-2608 is”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 12, by striking all after “concerning”; by striking all in line 13; in line 14, by striking all before the period and inserting “judges and justices; relating to retirement age; amending K.S.A. 20-2608 and repealing the existing 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

DEREK SCHMIDT

DAVID HALEY

Conferees on part of Senate

On motion of Rep. Kinzer, the conference committee report on **SB 68** was adopted.

On roll call, the vote was: Yeas 98; Nays 26; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Benlon, Bowers, Brookens, T. Brown, Brunk, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, DeGraaf, Faber, Finney, Flaharty, Frownfelter, 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, Kinzer, Kleeb, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O’Brien, O’Neal, Palmer, Patton, Pauls, Peterson, Phelps, Powell, Prescott, Proehl, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Talia, Tietze, Trimmer, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Bethell, A. Brown, Burgess, Davis, Dillmore, Donohoe, Feuerborn, D. Gatewood, Grant, Huntington, Johnson, King, Knox, Landwehr, McLeland, Olson, Otto, Peck, Pottorff, Quigley, Schwartz, Swenson, Tafanelli, Vickrey, Ward.

Present but not voting: None.

Absent or not voting: Lane.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 98**, 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. 98, as follows:

On page 1, by striking all in lines 14 through 29, and by inserting the following:

“Section 1. K.S.A. 2008 Supp. 72-6431 is hereby amended to read as follows: 72-6431. (a) The board of each district shall levy an ad valorem tax upon the taxable tangible property of the district in the school years specified in subsection (b) for the purpose of:

(1) Financing that portion of the district’s general fund budget which is not financed from any other source provided by law;

(2) paying a portion of the costs of operating and maintaining public schools in partial fulfillment of the constitutional obligation of the legislature to finance the educational interests of the state; and

(3) with respect to any redevelopment district established prior to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto, paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district.

(b) The tax required under subsection (a) shall be levied at a rate of 20 mills in the school year ~~2007-2008~~ 2009-2010 and school year ~~2008-2009~~ 2010-2011.

(c) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district, shall be deposited in the general fund of the district.

(d) On June 6 of each year, the amount, if any, by which a district's local effort exceeds the amount of the district's state financial aid, as determined by the state board, shall be remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(e) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments thereto.

Sec. 2. K.S.A. 2008 Supp. 79-201x is hereby amended to read as follows: 79-201x. For taxable years ~~2007 and 2008~~ 2009 and 2010, the following described property, to the extent herein specified, shall be and is hereby exempt from the property tax levied pursuant to the provisions of K.S.A. 72-6431, and amendments thereto: Property used for residential purposes to the extent of \$20,000 of its appraised valuation.

Sec. 3. K.S.A. 2008 Supp. 79-503a is hereby amended to read as follows: 79-503a. "Fair market value" means the amount in terms of money that a well informed buyer is justified in paying and a well informed seller is justified in accepting for property in an open and competitive market, assuming that the parties are acting without undue compulsion. In the determination of fair market value of any real property which is subject to any special assessment, such value shall not be determined by adding the present value of the special assessment to the sales price. For the purposes of this definition it will be assumed that consummation of a sale occurs as of January 1.

Sales in and of themselves shall not be the sole criteria of fair market value but shall be used in connection with cost, income and other factors including but not by way of exclusion:

- (a) The proper classification of lands and improvements;
- (b) the size thereof;
- (c) the effect of location on value;
- (d) depreciation, including physical deterioration or functional, economic or social obsolescence;
- (e) cost of reproduction of improvements;
- (f) productivity *taking into account all restrictions imposed by the state or federal government and local governing bodies, including, but not limited to, restrictions on property rented or leased to low income individuals and families as authorized by section 42 of the federal internal revenue code of 1986, as amended;*
- (g) earning capacity as indicated by lease price, by capitalization of net income or by absorption or sell-out period;
- (h) rental or reasonable rental values *or rental values restricted by the state or federal government or local governing bodies, including, but not limited to, restrictions on property rented or leased to low income individuals and families, as authorized by section 42 of the federal internal revenue code of 1986, as amended;*
- (i) sale value on open market with due allowance to abnormal inflationary factors influencing such values;
- (j) restrictions *or requirements* imposed upon the use of real estate *by the state or federal government or local governing bodies, including zoning and planning boards or commissions, and including, but not limited to, restrictions or requirements imposed upon the use of real estate rented or leased to low income individuals and families, as authorized by section 42 of the federal internal revenue code of 1986, as amended;* and

(k) comparison with values of other property of known or recognized value. The assessment-sales ratio study shall not be used as an appraisal for appraisal purposes.

The appraisal process utilized in the valuation of all real and tangible personal property for ad valorem tax purposes shall conform to generally accepted appraisal procedures which are adaptable to mass appraisal and consistent with the definition of fair market value unless otherwise specified by law.

New Sec. 4. It is the purpose of the amendments enacted in this legislation to K.S.A. 79-5a01 to carry out the mandate of the electorate of the state of Kansas who in 1992 amended Section 1 of Article 11 of the Constitution of the state of Kansas to effectuate the taxation of public utility inventories, in response to an appellate decision holding that natural gas owned by public utilities and stored for resale comes within the exemption from ad valorem taxation afforded to merchants' and manufacturers' inventories. The Legislature recognizes that the state has a number of underground formations that are ideal for the storage of natural gas and that the storage of natural gas in these formations by and on behalf of the owners, brokers and marketers of natural gas assures them a plentiful supply of natural gas during periods of peak demand and thereby contributes to their economic viability. The Legislature further recognizes that the state and its political subdivisions provide valuable governmental services that protects the natural gas and its free flow to and from these formations for which such owners, brokers and marketers of natural gas should contribute through the property tax imposed by the amendments enacted in this legislation to K.S.A. 79-5a01.

Sec. 5. K.S.A. 2008 Supp. 79-5a01 is hereby amended to read as follows: 79-5a01. (a) As used in this act, the terms "public utility" or "public utilities" means every individual, company, corporation, association of persons, brokers, *marketers*, lessees or receivers that now or hereafter own, ~~control and hold for resale stored~~ *broker or market natural gas inventories stored for resale* in an underground formation in this state, or now or hereafter are in control, manage or operate a business of:

(1) A railroad or railroad corporation if such railroad or railroad corporation owns or holds, by deed or other instrument, an interest in right-of-way, track, franchise, roadbed or trackage in this state;

(2) transmitting to, from, through or in this state telegraphic messages;

(3) transmitting to, from, through or in this state telephonic messages;

(4) transporting or distributing to, from, through or in this state natural gas, oil or other commodities in pipes or pipelines, or engaging primarily in the business of storing natural gas in an underground formation;

(5) generating, conducting or distributing to, from, through or in this state electric power;

(6) transmitting to, from, through or in this state water if for profit or subject to regulation of the state corporation commission; and

(7) transporting to, from, through or in this state cargo or passengers by means of any vessel or boat used in navigating any of the navigable watercourses within or bordering upon this state.

(b) The terms "public utility" or "public utilities" shall not include: (1) Rural water districts established under the laws of the state of Kansas; or (2) any individual, company, corporation, association of persons, lessee or receiver owning or operating an oil or natural gas production gathering line which is situated within one county in this state and does not cross any state boundary line; (3) any individual, company, corporation, association of persons, lessee or receiver owning any vessel or boat operated upon the surface of any manmade waterway located entirely within one county in the state; or (4) for all taxable years commencing after December 31, 1998, any natural gas distribution system which is owned and operated by a nonprofit public utility described by K.S.A. 66-104c, and amendments thereto, and which is operated predominantly for the purpose of providing fuel for the irrigation of land devoted to agricultural use.

(c) The provisions of subsection (a) as amended by this act shall be applicable to all taxable years commencing after December 31, ~~2003~~ 2008.

Sec. 6. K.S.A. 2008 Supp. 72-6431, 79-201x, 79-503a and 79-5a01 are hereby repealed."; And by renumbering section 4 as section 7;

On page 1, in the title, in line 9, by striking all after "concerning"; by striking all in lines 10 and 11 and inserting "property taxation; relating to statewide levy for public schools, exemption therefrom; fair market value for certain rental property; public utilities, natural gas inventories; amending K.S.A. 2008 Supp. 72-6431, 79-201x, 79-503a and 79-5a01 and repealing the existing sections.";

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
G. TOM HOLLAND
Conferees on part of Senate

On motion of Rep. Carlson, the conference committee report on **H. Sub. for SB 98** was adopted.

On roll call, the vote was: Yeas 104; Nays 20; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Benlon, Bethell, 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, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Johnson, Kerschen, King, Kleeb, Knox, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Neal, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwartz, Seiwert, Siegfried, Slattery, Sloan, Spalding, Svaty, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, DeGraaf, Goico, Gordon, Huebert, Huntington, Kelley, Kiegerl, Kinzer, Kuether, Landwehr, McLeland, O'Brien, Olson, Patton, Schwab, Shultz, Swanson, Watkins.

Present but not voting: None.

Absent or not voting: Lane.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 134**, 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, by striking all in lines 19 through 43;

By striking all on pages 2 through 19;

On page 20, by striking all in lines 1 through 12 and inserting the following:

“Section 1. K.S.A. 2008 Supp. 38-2202 is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:

(a) “Abandon” or “abandonment” means to forsake, desert or, without making appropriate provision for substitute care, cease providing care for the child.

(b) “Adult correction facility” means any public or private facility, secure or nonsecure, which is used for the lawful custody of accused or convicted adult criminal offenders.

(c) “Aggravated circumstances” means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

(d) “Child in need of care” means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 2008 Supp. 38-2242, and amendments thereto, who:

(1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child’s parents or other custodian;

(2) is without the care or control necessary for the child’s physical, mental or emotional health;

(3) has been physically, mentally or emotionally abused or neglected or sexually abused;

- (4) has been placed for care or adoption in violation of law;
 - (5) has been abandoned or does not have a known living parent;
 - (6) is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments thereto;
 - (7) except in the case of a violation of K.S.A. 21-4204a, 41-727, subsection (j) of K.S.A. 74-8810 or subsection (m) or (n) of K.S.A. 79-3321, and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult;
 - (8) while less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-3105, and amendments thereto;
 - (9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian;
 - (10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee;
 - (11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused;
 - (12) while less than 10 years of age commits the offense defined in K.S.A. 21-4204a, and amendments thereto; or
 - (13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve.
- (e) "Citizen review board" is a group of community volunteers appointed by the court and whose duties are prescribed by K.S.A. 2008 Supp. 38-2207 and 38-2208, and amendments thereto.
- (f) "Court-appointed special advocate" means a responsible adult other than an attorney guardian ad litem who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 2008 Supp. 38-2206, and amendments thereto, in a proceeding pursuant to this code.
- (g) "Custody" whether temporary, protective or legal, means the status created by court order or statute which vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.
- (h) "Extended out of home placement" means a child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date at which a child in the custody of the secretary was removed from the home.
- (i) "Educational institution" means all schools at the elementary and secondary levels.
 - (j) "Educator" means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has exposure to a pupil specified in subsection (a) of K.S.A. 72-89b03, and amendments thereto.
 - (k) "Harm" means physical or psychological injury or damage.
 - (l) "Interested party" means the grandparent of the child, a person with whom the child has been living for a significant period of time when the child in need of care petition is filed, and any person made an interested party by the court pursuant to K.S.A. 2008 Supp. 38-2241, and amendments thereto or Indian tribe seeking to intervene that is not a party.
 - (m) "Jail" means:
 - (1) An adult jail or lockup; or
 - (2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensure requirements under law and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living

activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(n) "Juvenile detention facility" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders which must not be a jail.

(o) "Juvenile intake and assessment worker" means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(p) "Kinship care" means the placement of a child in the home of the child's relative or in the home of another adult with whom the child or the child's parent already has a close emotional attachment.

(q) "Law enforcement officer" means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(r) "Multidisciplinary team" means a group of persons, appointed by the court under K.S.A. 2008 Supp. 38-2228, and amendments thereto, which has knowledge of the circumstances of a child in need of care.

(s) "Neglect" means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include, but shall not be limited to:

(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;

(2) failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or

(3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to subsection (a)(2) of K.S.A. 2008 Supp. 38-2217, and amendments thereto.

(t) "Parent" when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.

(u) "Party" means the state, the petitioner, the child, any parent of the child and an Indian child's tribe intervening pursuant to the Indian child welfare act.

(v) "Permanency goal" means the outcome of the permanency planning process which may be reintegration, adoption, appointment of a permanent custodian or another planned permanent living arrangement.

(w) "Permanent custodian" means a judicially approved permanent guardian of a child pursuant to K.S.A. 2008 Supp. 38-2272, and amendments thereto.

(x) "Physical, mental or emotional abuse" means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.

(y) "Placement" means the designation by the individual or agency having custody of where and with whom the child will live.

(z) "Relative" means a person related by blood, marriage or adoption but, when referring to a relative of a child's parent, does not include the child's other parent.

(aa) "Secretary" means the secretary of social and rehabilitation services or the secretary's designee.

(bb) "Secure facility" means a facility which is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility shall be in a city or county jail.

(cc) “Sexual abuse” means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include allowing, permitting or encouraging a child to engage in prostitution or to be photographed, filmed or depicted in pornographic material.

(dd) “Shelter facility” means any public or private facility or home other than a juvenile detention facility that may be used in accordance with this code for the purpose of providing either temporary placement for children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

(ee) “*Transition plan*” means, when used in relation to a youth in the custody of the secretary, an individualized strategy for the provision of medical, mental health, education, employment and housing supports as needed for the adult and, if applicable, for any minor child of the adult, to live independently and specifically provides for the supports and any services for which an adult with a disability is eligible including, but not limited to, funding for home and community based services waivers.

(~~cc~~) (ff) “Youth residential facility” means any home, foster home or structure which provides 24-hour-a-day care for children and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 2. K.S.A. 2008 Supp. 38-2203 is hereby amended to read as follows: 38-2203. (a) Proceedings concerning any child who may be a child in need of care shall be governed by this code, except in those instances when the court knows or has reason to know that an Indian child is involved in the proceeding, in which case, the Indian child welfare act of 1978 (25 U.S.C. §1901 et seq.) applies. The Indian child welfare act may apply to: The filing to initiate a child in need of care proceeding (K.S.A. 2008 Supp. 38-2234, and amendments thereto); ex parte custody orders (K.S.A. 2008 Supp. 38-2242, and amendments thereto); temporary custody hearing (K.S.A. 2008 Supp. 38-2243, and amendments thereto); adjudication (K.S.A. 2008 Supp. 38-2247, and amendments thereto); burden of proof (K.S.A. 2008 Supp. 38-2250, and amendments thereto); disposition (K.S.A. 2008 Supp. 38-2255, and amendments thereto); permanency hearings (K.S.A. 2008 Supp. 38-2264, and amendments thereto); termination of parental rights (K.S.A. 2008 Supp. 38-2267, 38-2268 and 38-2269, and amendments thereto); establishment of permanent custodianship (K.S.A. 2008 Supp. 38-2268 and 38-2272, and amendments thereto); the placement of a child in any foster, pre-adoptive and adoptive home and the placement of a child in a guardianship arrangement under chapter 59, article 30 of the Kansas Statutes Annotated, and amendments thereto.

(b) Subject to the uniform child custody jurisdiction and enforcement act, K.S.A. 38-1336 through 38-1377, and amendments thereto, the district court shall have original jurisdiction of proceedings pursuant to this code.

(c) The court acquires jurisdiction over a child by the filing of a petition pursuant to this code or upon issuance of an ex parte order pursuant to K.S.A. 2008 Supp. 38-2242, and amendments thereto. When the court acquires jurisdiction over a child in need of care, jurisdiction may continue until the child has: (1) ~~Attained the age of 21 years~~ *Become 18 years of age, or until June 1 of the school year during which the child became 18 years of age if the child is still attending high school unless there is no court approved transition plan, in which event jurisdiction may continue until a transition plan is approved by the court or until the child reaches the age of 21;* (2) been adopted; or (3) been discharged by the court. Any child 18 years of age or over may request, in writing to the court, that the jurisdiction of the court cease. The court shall give notice of the request to all parties and interested parties and 30 days after receipt of the request, jurisdiction will cease.

(d) When it is no longer appropriate for the court to exercise jurisdiction over a child, the court, upon its own motion or the motion of a party or interested party at a hearing or upon agreement of all parties or interested parties, shall enter an order discharging the child. Except upon request of the child pursuant to subsection (c), the court shall not enter an order discharging a child until June 1 of the school year during which the child becomes 18 years of age if the child is in an out-of-home placement, is still attending high school and has not completed the child’s high school education.

(e) When a petition is filed under this code, a person who is alleged to be under 18 years of age shall be presumed to be under that age for the purposes of this code, unless the contrary is proved.

Sec. 3. K.S.A. 2008 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 facility or person designated by the secretary~~; 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. 2008 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. 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. 2008 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. 2008 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. 2008 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, unless a court has entered an order pertaining to temporary custody or release.

(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. 2008 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. 4. K.S.A. 2008 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. 2008 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, 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. 2008 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. 2008 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.

(d) The order of protective custody shall be served pursuant to subsection (a) of K.S.A. 2008 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. 2008 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. 5. K.S.A. 2008 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, 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. 2008 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. 2008 Supp. 38-2242, and amendments thereto, shall not exceed 24 hours, excluding Saturdays, Sundays and legal holidays. 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. 2008 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.

(j) 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. 2008 Supp. 38-2277, and amendments thereto.

Sec. 6. K.S.A. 2008 Supp. 38-2255 is hereby amended to read as follows: 38-2255. (a) *Considerations.* Prior to entering an order of disposition, the court shall give consideration to:

(1) The child's physical, mental and emotional condition;

(2) the child's need for assistance;

(3) the manner in which the parent participated in the abuse, neglect or abandonment of the child;

(4) any relevant information from the intake and assessment process; and

(5) the evidence received at the dispositional hearing.

(b) *Placement with a parent.* The court may place the child in the custody of either of the child's parents subject to terms and conditions which the court prescribes to assure the proper care and protection of the child, including, but not limited to:

(1) Supervision of the child and the parent by a court services officer;

(2) participation by the child and the parent in available programs operated by an appropriate individual or agency; and

(3) any special treatment or care which the child needs for the child's physical, mental or emotional health and safety.

(c) *Removal of a child from custody of a parent.* 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: (1)(A) The child is likely to sustain harm if not immediately removed from the home;

(B) allowing the child to remain in home is contrary to the welfare of the child; or

(C) immediate placement of the child is in the best interest of the child; and

(2) 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.

(d) *Custody of a child removed from the custody of a parent.* If the court has made the findings required by subsection (c), the court shall enter an order awarding custody to a relative of the child or to a person with whom the child has close emotional ties, to any other suitable person, to a shelter facility, to a youth residential facility 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 the secretary. Custody awarded under this subsection shall continue until further order of the court.

(1) When custody is awarded to the secretary, the secretary shall consider any placement recommendation by the court and notify the court of the placement or proposed placement of the child within 10 days of the order awarding custody.

(A) After providing the parties or interested parties notice and opportunity to be heard, the court may determine whether the secretary's placement or proposed placement is contrary to the welfare or in the best interests of the child. In making that determination the court shall consider the health and safety needs of the child and the resources available to meet the needs of children in the custody of the secretary. If the court determines that the placement or proposed placement is contrary to the welfare or not in the best interests of the child, the court shall notify the secretary, who shall then make an alternative placement.

(B) The secretary may propose and the court may order the child to be placed in the custody of a parent or parents if the secretary has provided and the court has approved an appropriate safety action plan which includes services to be provided. The court may order the parent or parents and the child to perform tasks as set out in the safety action plan.

(2) The custodian designated under this subsection shall notify the court in writing at least 10 days prior to any planned placement with a parent. The written notice shall state the basis for the custodian's belief that placement with a parent is no longer contrary to the welfare or best interest of the child. Upon reviewing the notice, the court may allow the custodian to proceed with the planned placement or may set the date for a hearing to determine if the child shall be allowed to return home. If the court sets a hearing on the matter, the custodian shall not return the child home without written consent of the court.

(3) The court may grant any person reasonable rights to visit the child upon motion of the person and a finding that the visitation rights would be in the best interests of the child.

(4) The court may enter an order restraining any alleged perpetrator of physical, mental or emotional abuse or sexual 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. 2008 Supp. 38-2237, and amendments thereto, on any alleged perpetrator to whom the order is directed.

(5) The court shall provide a copy of any orders entered within 10 days of entering the order to the custodian designated under this subsection.

(e) *Further determinations regarding a child removed from the home.* If custody has been awarded under subsection (d) to a person other than a parent, a permanency plan shall be provided or prepared pursuant to K.S.A. 2008 Supp. 38-2264, and amendments thereto. If a permanency plan is provided at the dispositional hearing, the court may determine whether reintegration is a viable alternative or, if reintegration is not a viable alternative, whether the child should be placed for adoption or a permanent custodian appointed. In determining whether reintegration is a viable alternative, the court shall consider:

(1) Whether a parent has been found by a court to have committed one of the following crimes or to have violated the law of another state prohibiting such crimes or to have aided and abetted, attempted, conspired or solicited the commission of one of these crimes: 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, or a felony battery that resulted in bodily injury;

(2) whether a parent has subjected the child or another child to aggravated circumstances;

(3) whether a parent has previously been found to be an unfit parent in proceedings under this code or in comparable proceedings under the laws of another state or the federal government;

- (4) whether the child has been in extended out of home placement;
- (5) whether the parents have failed to work diligently toward reintegration;
- (6) whether the secretary has provided the family with services necessary for the safe return of the child to the home; and
- (7) whether it is reasonable to expect reintegration to occur within a time frame consistent with the child's developmental needs.

(f) *Proceedings if reintegration is not a viable alternative.* If the court determines that reintegration is not a viable alternative, proceedings to terminate parental rights and permit placement of the child for adoption or appointment of a permanent custodian shall be initiated unless the court finds that compelling reasons have been documented in the case plan why adoption or appointment of a permanent custodian would not be in the best interests of the child. If compelling reasons have not been documented, the county or district attorney shall file a motion within 30 days to terminate parental rights or a motion to appoint a permanent custodian within 30 days and the court shall hold a hearing on the motion within 90 days of its filing. No hearing is required when the parents voluntarily relinquish parental rights or consent to the appointment of a permanent custodian.

(g) *Additional Orders.* In addition to or in lieu of any other order authorized by this section:

(1) The court may order the child and the parents of any child who has been adjudicated a child in need of care to attend counseling sessions as the court directs. The expense of the counseling may be assessed as an expense in the case. No mental health provider shall charge a greater fee for court-ordered counseling than the provider would have charged to the person receiving counseling if the person had requested counseling on the person's own initiative.

(2) If the court has reason to believe that a child is before the court due, in whole or in part, to the use or misuse of alcohol or a violation of the uniform controlled substances act by the child, a parent of the child, or another person responsible for the care of the child, the court may order the child, parent of the child or other person responsible for the care of the child to submit to and complete an alcohol and drug evaluation by a qualified person or agency and comply with any recommendations. If the evaluation is performed by a community-based alcohol and drug safety program certified pursuant to K.S.A. 8-1008, and amendments thereto, the child, parent of the child or other person responsible for the care of the child shall pay a fee not to exceed the fee established by that statute. If the court finds that the child and those legally liable for the child's support are indigent, the fee may be waived. In no event shall the fee be assessed against the secretary.

(3) If child support has been requested and the parent or parents have a duty to support the child, the court may order one or both parents to pay child support and, when custody is awarded to the secretary, the court shall order one or both parents to pay child support. The court shall determine, for each parent separately, whether the parent is already subject to an order to pay support for the child. If the parent is not presently ordered to pay support for any child who is subject to the jurisdiction of the court and the court has personal jurisdiction over the parent, the court shall order the parent to pay child support in an amount determined under K.S.A. 2008 Supp. 38-2277, and amendments thereto. Except for good cause shown, the court shall issue an immediate income withholding order pursuant to K.S.A. 23-4.105 et seq., and amendments thereto, for each parent ordered to pay support under this subsection, regardless of whether a payor has been identified for the parent. A parent ordered to pay child support under this subsection shall be notified, at the hearing or otherwise, that the child support order may be registered pursuant to K.S.A. 2008 Supp. 38-2279, and amendments thereto. The parent shall also be informed that, after registration, the income withholding order may be served on the parent's employer without further notice to the parent and the child support order may be enforced by any method allowed by law. Failure to provide this notice shall not affect the validity of the child support order.

Sec. 7. K.S.A. 2008 Supp. 38-2202, 38-2203, 38-2232, 38-2242, 38-2243 and 38-2255 are hereby repealed.”;

And by renumbering the remaining section accordingly;

Also on page 20, in line 14, by striking “Kansas register” and inserting “statute book”;

In the title, by striking all in lines 12 through 16 and inserting the following: "AN ACT concerning the Kansas code for care of children; amending K.S.A. 2008 Supp. 38-2202, 38-2203, 38-2232, 38-2242, 38-2243 and 38-2255 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 **SB 134** was adopted.

On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, 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, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Ward.

Present but not voting: None.

Absent or not voting: Lane.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 145**, 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. 145, as follows:

On page 1, preceding line 13, by inserting the following:

"Section 1. K.S.A. 8-1522 is hereby amended to read as follows: 8-1522. Whenever any roadway has been divided into two (~~2~~) or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply.

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three (~~3~~) lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(c) Upon a highway located outside the corporate limits of any city divided into two lanes of traffic proceeding in the same direction, all vehicles shall be driven in the right lane except when:

- (1) Overtaking and passing another vehicle;
- (2) preparing to make a proper left turn;

- (3) otherwise directed by official traffic-control devices; or
- (4) otherwise required by other provisions of law.
- (d) Upon a highway located outside the corporate limits of any city divided into three or more lanes of traffic proceeding in the same direction, vehicles shall not be driven in the far left lane except when:
 - (1) Overtaking and passing another vehicle;
 - (2) preparing to make a proper left turn;
 - (3) otherwise directed by official traffic-control devices; or
 - (4) otherwise required by other provisions of law.
- (e) The provisions of subsections (c) and (d) shall not apply to authorized emergency vehicles, law enforcement vehicles, Kansas turnpike authority vehicles or department of transportation vehicles performing construction or maintenance work.

⊕ (f) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

⊕ (g) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

(h) From and after July 1, 2009, and prior to July 1, 2010, a law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (c) or (d).

Sec. 2. K.S.A. 2008 Supp. 8-1911 is hereby amended to read as follows: 8-1911. (a) The secretary of transportation with respect to highways under the secretary's jurisdiction and local authorities with respect to highways under their jurisdiction, in their discretion, upon application, may issue a special permit, which term shall include an authorization number, to the owner or operator of an oversize or overweight vehicle. The special permit shall authorize the special permit holder to operate or move a vehicle or combination of vehicles which exceed the limitations of this act, on a route, or routes, designated in the special permit and in accordance with the terms and conditions of the special permit.

(b) The application for the permit shall describe the vehicle, or combination of vehicles and all loads or cargo for which the special permit is requested, the route or routes on which operation is sought and whether a single trip or annual operation is requested. One special permit may be issued for a vehicle or combination of vehicles, that are both oversize and overweight. A special permit under this section may be for a single trip or for annual operation. The special permit shall designate the route or routes that may be used and any other terms, conditions or restrictions deemed necessary. The secretary of transportation shall charge a fee for each permit or authorization number issued as provided for in subsection (f). No permit shall be required to authorize the moving or operating upon any highway of farm tractors, combines, fertilizer dispensing equipment or other farm machinery, or machinery being transported to be used for terracing or soil or water conservation work upon farms, or vehicles owned by counties, cities and other political subdivisions of the state, except that this sentence shall not: (1) Exempt trucks owned by counties, cities and other political subdivisions specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations from the maximum gross weight limitations contained in the table in K.S.A. 8-1909, and amendments thereto; or (2) authorize travel on interstate highways.

(c) A permit shall be valid only when the registration on the power unit is equal to or exceeds the total gross weight of the vehicle. When the gross weight of the vehicle exceeds the upper limit of the available registration, the maximum amount of registration must be purchased. The provisions of this subsection shall not apply to a wrecker or tow truck, as defined in K.S.A. 66-1329, and amendments thereto, and registered in accordance with the provisions of K.S.A. 8-143, and amendments thereto.

(d) The secretary or local authority may issue or withhold the permit at the secretary's or local authority's discretion or may limit the number of trips, or establish seasonal or other time limitations within which the vehicles described may be operated on the highways, or may otherwise limit or prescribe conditions of operations of such vehicle or combination of vehicles, when necessary to assure against undue damage to the road. The secretary or local

authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(e) Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. It shall be unlawful for any person to violate any of the terms or conditions of special permit.

(f) The secretary of transportation shall charge and collect fees as follows:

(1) ~~Five~~ *Twenty* dollars for each single-trip permit;
 (2) *thirty dollars for each single-trip permit for a large structure, as defined by rules and regulations;*

(3) *fifty dollars for each single-trip permit for a superload, as defined by rules and regulations;*

~~(4)~~ (4) twenty-five dollars for a five-year permit for vehicles authorized to move bales of hay under subsection (j) on noninterstate highways;

~~(5)~~ (5) one hundred and ~~twenty-five~~ *fifty* dollars for each annual permit; or

~~(6)~~ (6) two thousand dollars per year for each qualified carrier company for special vehicle combination permits authorized under K.S.A. 8-1915, and amendments thereto, plus \$50 per year for each power unit operating under such annual permit.

No fees shall be charged for permits issued for vehicles owned by counties, cities and other political subdivisions of the state. All permit fees received under 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 highway fund. The secretary may adopt rules and regulations for payment and collection of all fees. The secretary may adopt rules and regulations implementing the provisions of this section to prescribe standards for any permit program to enhance highway safety.

(g) If any local authority does not desire to exercise the powers conferred on it by this section to issue or deny permits then such a permit from the local authority shall not be required to operate any such vehicle or combination of vehicles on highways under the jurisdiction of such local authority, but in no event shall the jurisdiction of the local authority be construed as extending to any portion of any state highway, any city street designated by the secretary as a connecting link in the state highway system or any highway within the national system of interstate and defense highways, which highways and streets, for the purpose of this section, shall be under the jurisdiction of the secretary.

(h) A house trailer, manufactured home or mobile home which exceeds the width as provided in subsection (a) of K.S.A. 8-1902, and amendments thereto, may be moved on the highways of this state by obtaining a permit as provided in this section, if:

(1) The width of such house trailer, manufactured home or mobile home does not exceed 16½ feet;

(2) the driver of the vehicle pulling the house trailer, manufactured home or mobile home has a valid driver's license; and

(3) the driver carries evidence that the housetrailer, manufactured home or mobile home, and the vehicle pulling it, are covered by motor vehicle liability insurance with limits of not less than \$100,000 for injury to any one person, and \$300,000 for injury to persons in any one accident, and \$25,000 for injury to property.

For the purposes of this subsection, the terms "manufactured home" and "mobile home" shall have the meanings ascribed to them by K.S.A. 58-4202, and amendments thereto.

(i) Upon proper application stating the description and registration of each power unit, the secretary of transportation shall issue permits for a period, from May 1 to November 15, for custom combine operators to tow custom-combine equipment on a trailer within legal dimensions or a trailer especially designed for the transportation of combines or combine equipment at the rate of \$10 per power unit. Each application shall be accompanied by information as required by the secretary. The permit shall allow custom combine operators to haul two combine headers on designated interstate highways provided:

(1) The vehicle plus the load do not exceed 14 feet in width;

(2) the move is completed during the period beginning 30 minutes before sunrise and ending 30 minutes after sunset; and

(3) the vehicle plus the load are not overweight.

(j) Except as provided in paragraph (2) of subsection (d) of K.S.A. 8-1902, and amendments thereto, a vehicle loaded with bales of hay which exceeds the width as provided in subsection (a) of K.S.A. 8-1902, and amendments thereto, may be moved on any highway designated as a part of the national network of highways by obtaining a permit as provided by this section, if:

(1) The vehicle plus the bales of hay do not exceed 12 feet in width;

(2) the vehicle plus the bales of hay do not exceed the height authorized under K.S.A. 8-1904, and amendments thereto;

(3) the move is completed during the period beginning 30 minutes before sunrise and ending 30 minutes after sunset;

(4) the vehicle plus the load are not overweight; and

(5) the vehicle plus the load comply with the signing and marking requirements of paragraph (3) of subsection (d) of K.S.A. 8-1902, and amendments thereto.

(k) If it is determined by the secretary of transportation that a person has been granted a permit and has not complied with the applicable provisions of this section and the rules and regulations of the secretary of transportation relating thereto, the secretary may cancel the permit and may refuse to grant future permits to the individual.;

And by renumbering sections accordingly;

Also on page 1, in line 27, preceding "K.S.A." by inserting "K.S.A. 8-1522 and"; also in line 27, by striking "8-1916 is" and inserting "8-1911 and 8-1916 are";

In the title, in line 9, by striking "cotton modules" and inserting "special permits; relating to driving in the right lane"; in line 10, by striking all preceding "and" and inserting "8-1522 and K.S.A. 2008 Supp. 8-1911 and 8-1916"; also in line 10, by striking "section" and inserting "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 **H. Sub. for SB 145** was adopted.

On roll call, the vote was: Yeas 98; Nays 26; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Faber, 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, Johnson, Kerschen, King, Kleeb, Knox, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Morrison, Myers, Neighbor, Neufeld, O'Neal, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Wetta, Witham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Brunk, Burgess, DeGraaf, Donohoe, Feuerborn, Gordon, Huebert, Huntington, Jack, Kelley, Kiegerl, Kinzer, Kuether, Landwehr, Merrick, Moxley, Navinsky, O'Brien, Olson, Patton, Peck, Quigley, Vickrey, Ward, Watkins.

Present but not voting: None.

Absent or not voting: Lane.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2172**, 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.

LES DONOVAN
DEREK SCHMIDT
G. TOM HOLLAND
Conferees on part of House

RICHARD CARLSON
JEFF KING
Conferees on part of Senate

On motion of Rep. Carlson, the conference committee report on **HB 2172** was adopted. Speaker O'Neal thereupon appointed Reps. Carlson, King and Menghini as second conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Health and Human Services** recommends **HR 6019** be adopted.

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 passage of **HB 2130**, as amended.

The Senate adopts conference committee report on **SB 11**.

The Senate adopts conference committee report on **SB 19**.

The Senate adopts conference committee report on **SB 44**.

The Senate adopts conference committee report on **SB 87**.

The Senate adopts conference committee report on **SB 154**.

The Senate adopts conference committee report on **SB 225**.

The Senate adopts conference committee report on **Sub. HB 2008**.

The Senate adopts the conference committee report to agree to disagree on **SB 171** and has appointed Senators V. Schmidt, Apple and Faust-Goudeau as second conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 28**, 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 12;

On page 13, by striking all in lines 1 through 6 and inserting the following:

"Section 1. K.S.A. 2008 Supp. 60-4104 is hereby amended to read as follows: 60-4104. Conduct and offenses giving rise to forfeiture under this act, whether or not there is a prosecution or conviction related to the offense, are:

(a) All offenses which statutorily and specifically authorize forfeiture;

(b) violations of the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto;

- (c) theft which is classified as a felony violation pursuant to K.S.A. 21-3701, and amendments thereto, in which the property taken was livestock;
- (d) unlawful discharge of a firearm, K.S.A. 21-4219, and amendments thereto;
- (e) money laundering, K.S.A. 65-4142, and amendments thereto;
- (f) gambling, K.S.A. 21-4303, and amendments thereto, and commercial gambling, K.S.A. 21-4304, and amendments thereto;
- (g) counterfeiting, K.S.A. ~~2006 Supp.~~ 21-3763, and amendments thereto;
- (h) violations of K.S.A. ~~2006 Supp.~~ 21-4019, and amendments thereto;
- (i) medicaid fraud, K.S.A. 21-3844 et seq., and amendments thereto;
- (j) an act or omission occurring outside this state, which would be a violation in the place of occurrence and would be described in this section if the act occurred in this state, whether or not it is prosecuted in any state;
- (k) an act or omission committed in furtherance of any act or omission described in this section including any inchoate or preparatory offense, whether or not there is a prosecution or conviction related to the act or omission;
- (l) any solicitation or conspiracy to commit any act or omission described in this section, whether or not there is a prosecution or conviction related to the act or omission;
- (m) furtherance of terrorism or illegal use of weapons of mass destruction, K.S.A. ~~2006 Supp.~~ 21-3451, and amendments thereto;
- (n) *unlawful conduct of dog fighting and unlawful possession of dog fighting paraphernalia*, K.S.A. 21-4315, and amendments thereto;
- (o) *unlawful conduct of cockfighting and unlawful possession of cockfighting paraphernalia*, K.S.A. 21-4319, and amendments thereto; and
- (p) *prostitution*, K.S.A. 21-3512, and amendments thereto, *promoting prostitution*, K.S.A. 21-3513, and amendments thereto, and *patronizing a prostitute*, K.S.A. 21-3515, and amendments thereto.

Sec. 2. K.S.A. 2008 Supp. 60-4104 is hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in lines 12 through 18, and inserting “AN ACT concerning civil procedure; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2008 Supp. 60-4104 and repealing the existing section.”;

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 **Sub. SB 28** was adopted.

On roll call, the vote was: Yeas 97; Nays 27; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Benlon, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, Horst, Huntington, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwartz, Seiwert, Shultz, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Aurand, Bethell, A. Brown, Carlson, DeGraaf, Donohoe, Faber, George, Goico, Gordon, Hayzlett, M. Holmes, Huebert, Johnson, Knox, Light, McLeland, Merrick, Neufeld, Otto, Peck, Powell, Schwab, Siegfried, Tafanelli, Vickrey, K. Wolf.

Present but not voting: None.

Absent or not voting: Kiegerl.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 41**, 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 4, after line 41, by inserting the following:

“Sec. 2. K.S.A. 2008 Supp. 72-7535 is hereby amended to read as follows: 72-7535. (a) In order to equip students with the knowledge and skills needed to become self-supporting and to enable students to make critical decisions regarding personal finances, the state board of education shall authorize and assist in the implementation of programs on teaching personal financial literacy. ~~The components of personal financial literacy covered in the program shall include, but not be limited to, consumer financial education, personal finance and personal credit.~~

(b) The state board of education shall develop a curriculum, materials and guidelines that local boards of education and governing authorities of accredited nonpublic schools may use in implementing the program of instruction on personal financial literacy. *The state board of education shall adopt a glossary of personal financial literacy terms which shall be used by school districts when implementing the program on personal financial literacy.*

(c) The state board of education shall develop *state curriculum standards and objectives* for personal financial literacy, for all grade levels, within the existing mathematics curriculum or another appropriate subject-matter curriculum.

(d) The state board of education shall encourage school districts when selecting textbooks for mathematics, economics ~~or similar, family and consumer science, accounting or other appropriate~~ courses, to select those textbooks which contain substantive provisions on personal finance, including personal budgeting, credit, debt management and ~~similar personal financial topics~~ *other topics concerning personal financial literacy.*

(e) *The state board of education shall include questions relating to personal financial literacy in the statewide assessments for mathematics or social studies required under K.S.A. 72-6439, and amendments thereto. When the statewide assessments for mathematics or social studies are reviewed or rewritten, the state board of education shall examine the questions relating to personal financial literacy and rewrite such questions in order to determine if programs on personal financial literacy are equipping students with the knowledge and skills needed to become self-supporting and enabling students to make critical decisions regarding personal finances.*

New Sec. 3. (a) The state board of education shall designate a period of time each school year as a time for disability history and awareness.

(b) The state board of education shall develop objectives and guidelines for disability history and awareness, for all grade levels, within the existing curriculum for history, social studies or other appropriate subject-matter curriculum. The components of disability history and awareness may include, but not be limited to, the events and time lines relating to the development and evolution of services provided to individuals with disabilities and information relating to the contributions of specific individuals with disabilities, including the contributions of acknowledged national leaders.

(c) The goals of disability history and awareness instruction include:

(1) Encouraging the better treatment of individuals with disabilities, especially for school-age children.

(2) Increasing attention to the prevention of bullying or harassment of students with disabilities.

(3) Encouraging the development of self-esteem in individuals with disabilities.

(4) Encouraging individuals with disabilities to obtain a postsecondary education which will empower such individuals to enter the workforce and contribute to their communities.

(5) Reaffirming the local, state and federal commitment to providing an equal opportunity for, and the full inclusion in society of, all individuals with disabilities.

(d) Each school district shall include disability history and awareness within the district's curriculum as deemed appropriate by the district.

New Sec. 4. Each postsecondary educational institution is encouraged to conduct and promote on its campus activities which provide education, understanding and awareness of individuals with disabilities, disability history and awareness.”;

And by renumbering sections accordingly;

Also on page 4, in line 43, after “72-6445a” by inserting “and 72-7535”;

In the title, in line 13, by striking all before the semicolon where it appears for the last time and inserting “powers and duties thereof; relating to school finance”; in line 14, after “72-6445a” by inserting “and 72-7535”; in line 15, by striking “section” and inserting “sections”;

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

CLAY AURAND

DEENA HORST

VALDENIA C. WINN

Conferees on part of House

JEAN KURTIS SCHODORF

JOHN VRATIL

ANTHONY HENSLEY

Conferees on part of Senate

On motion of Rep. Aurand, the conference committee report on **SB 41** was adopted.

Call of the House was demanded.

On roll call, the vote was: Yeas 119; Nays 5; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, 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, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Henry, Light, Peck, Tafanelli, Whitham.

Present but not voting: None.

Absent or not voting: Landwehr.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 84**, 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, by striking all in lines 17 through 43;

On page 2, by striking all in lines 1 through 22; following line 22, by inserting:

“Section 1. K.S.A. 2008 Supp. 10-1116a is hereby amended to read as follows: 10-1116a. The limitations on expenditures imposed under the cash-basis law shall not apply to:

(a) Expenditures in excess of current revenues made for municipally owned and operated utilities out of the fund of such utilities caused by, or resulting from the meeting of, extraor-

dinary emergencies including drought emergencies. In such cases expenditures in excess of current revenues may be made by declaring an extraordinary emergency by resolution adopted by the governing body and such resolution shall be published at least once in a newspaper of general circulation in such city. Thereupon, such governing body may issue interest bearing no-fund warrants on such utility fund in an amount, including outstanding previously issued no-fund warrants, not to exceed 25% of the revenues from sales of service of such utility for the preceding year. Such warrants shall be redeemed within three years from date of issuance and shall bear interest at a rate of not to exceed the maximum rate of interest prescribed by K.S.A. 10-1009, and amendments thereto. Upon the declaration of a drought emergency, the governing body may issue such warrants for water system improvement purposes in an amount not to exceed 50% of the revenue received from the sale of water for the preceding year. Such warrants shall be redeemed within five years from the date of issuance and shall bear interest at a rate not to exceed the maximum rate of interest prescribed by K.S.A. 10-1009, and amendments thereto.

(b) Expenditures in any month by school districts which are in excess of current revenues if the deficit or shortage in revenues is caused by, or a result of, the payment of state aid after the date prescribed for the payment of state aid during such month under K.S.A. 72-6417 or 72-6434, and amendments thereto.

~~The provisions of this subsection shall apply to expenditures made in school year 2001-2002, school year 2002-2003, school year 2003-2004, school year 2004-2005, school year 2005-2006 and school year 2006-2007.~~

New Sec. 2. (a) (1) The provisions of this subsection shall apply in any school year in which the amount of base state aid per pupil is \$4,433 or less.

(2) The board of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the base state aid per pupil was \$4,433 or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(b) (1) The provisions of this subsection shall apply in any school year in which the amount appropriated for state aid for special education and related services is less than the amount appropriated for state aid for special education and related services in school year 2008-2009.

(2) The board of education of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the district received state aid for special education and related services equal to the amount of state aid for special education and related services received in school year 2008-2009, or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(c) The board of education of any school district may exercise the authority granted under subsection (a) or (b) or both subsections (a) and (b).

(d) To the extent that the provisions of K.S.A. 72-6433, and amendments thereto, conflict with this section, this section shall control.

Sec. 3. K.S.A. 2008 Supp. 72-6433 is hereby amended to read as follows: 72-6433. (a) As used in this section:

(1) "State prescribed percentage" means 31% of state financial aid of the district in the current school year.

(2) "Authorized to adopt a local option budget" means that a district has adopted a resolution under this section, has published the same, and either ~~that~~ the resolution was not protested or ~~that~~ it was protested and an election was held by which the adoption of a local option budget was approved.

(b) In each school year, the board of any district may adopt a local option budget which does not exceed the state prescribed percentage.

(c) Subject to the limitation of subsection (b), in each school year, the board of any district may adopt, by resolution, a local option budget in an amount not to exceed:

(1) (A) The amount which the board was authorized to adopt in accordance with the provisions of this section in effect prior to its amendment by this act; plus

(B) the amount which the board was authorized to adopt pursuant to any resolution currently in effect; plus

(C) the amount which the board was authorized to adopt pursuant to K.S.A. 72-6444, and amendments thereto, if applicable to the district; or

(2) the state-wide average for the preceding school year as determined by the state board pursuant to subsection (j).

Except as provided by subsection (e), the adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(d) If the board of a district desires to increase its local option budget authority above the amount authorized under subsection (c) or if the board was not authorized to adopt a local option budget in 2006-2007, the board may adopt, by resolution, such budget in an amount not to exceed the state prescribed percentage. The adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. The resolution shall be published at least once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. _____
_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year in an amount not to exceed _____% of the amount of state financial aid. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

~~This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, County, Kansas, on the day of _____, _____~~

Clerk of the board of education.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of unified School District No. _____, _____ County, Kansas, on the _____ day of _____, _____

Clerk of the board of education.

All of the blanks in the resolution shall be filled as is appropriate. If a sufficient petition is not filed, the board may adopt a local option budget. If a sufficient petition is filed, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto. If the board fails to notify the county election officer within 30 days after a sufficient petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(e) Any resolution authorizing the adoption of a local option budget in excess of 30% of the state financial aid of the district in the current school year shall not become effective unless such resolution 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.

(f) Unless specifically stated otherwise in the resolution, the authority to adopt a local option budget shall be continuous and permanent. The board of any district which is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt

a budget in an amount less than the amount authorized. If the board of any district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget.

(g) The board of any district may initiate procedures to renew or increase the authority to adopt a local option budget at any time during a school year after the tax levied pursuant to K.S.A. 72-6435, and amendments thereto, is certified to the county clerk under any existing authorization.

(h) The board of any district that is authorized to adopt a local option budget prior to the effective date of this act under a resolution which authorized the adoption of such budget in accordance with the provisions of this section in effect prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

(i) Any resolution adopted pursuant to this section may revoke or repeal any resolution previously adopted by the board. If the resolution does not revoke or repeal previously adopted resolutions, all resolutions which are in effect shall expire on the same date. The maximum amount of the local option budget of a school district under all resolutions in effect shall not exceed the state prescribed percentage in any school year.

(j) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under paragraph (3) and subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to any program weighted fund or categorical fund of the district. Amounts in the supplemental general fund attributable to any percentage over 25% of state financial aid determined for the current school year may be transferred to the capital improvements fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

(3) Amounts in the supplemental general fund may not be expended for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) (A) Except as provided in paragraph (B), any unexpended budget remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be maintained in such fund.

(B) If the district received supplemental general state aid in the school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the unexpended budget remaining by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district or remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(k) Each year the state board of education shall determine the statewide average percentage of local option budgets legally adopted by school districts for the preceding school year.

(l) The provisions of this section shall be subject to the provisions of section 2, and amendments thereto.

Sec. 4. K.S.A. 2008 Supp. 10-1116a, 72-6433 and 72-6433c are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, by striking all in lines 12, 13 and 14; following line 14, by inserting:

“AN ACT concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 10-1116a and 72-6433 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 72-6433c.

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 84**, Rep. Winn 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. Aurand, Horst and Winn 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 97**, 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, by striking lines 16 through 35, and inserting the following:

“New Section 1. (a) The provisions of sections 1 through 7, 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 of business facilities, other operations and jobs from other states to 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.

New Sec. 2. As used in this act, unless the context otherwise requires:

(a) “Act” means the provisions of sections 1 through 7, and amendments thereto.

(b) “County average wage” means the average 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) “High-impact project” means a business development project for which the qualified company shall meet the requirements of subsection (c) of section 3, and amendments thereto.

(e) “NAICS” means the North American industry classification system.

(f) “Metropolitan county” means the county of Douglas, Johnson, Sedgwick, Shawnee or Wyandotte.

(g) “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 section 3, and amendments thereto. A person shall be deemed to be so engaged if such person performs duties in Kansas in connection with the operation of the Kansas business on: (1) A regular, full-time basis; or (2) a part-time basis, provided such person is customarily performing such duties at least 20 hours per week throughout the taxable year. Employees acquired or relocated to Kansas from another state through an expansion or relocation of a business operation to Kansas from another state shall be considered as new employees.

(h) “Non-metropolitan county” means any county that is not a metropolitan county.

(i) (1) "Qualified company" means any 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 section 3, and amendments thereto.

(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. 2008 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 section 3, and amendments thereto.

(j) "Secretary" means the secretary of the department of commerce.

New Sec. 3. (a) In order to qualify for benefits under this act a qualified company shall relocate an existing business facility, office, department or other operation located outside the state of Kansas, whether located in a foreign country or another state, and locate the jobs from such business facility, office, department or other operation to Kansas. 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 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 section 4, and amendments thereto, or any qualified company 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 section 4, and amendments thereto, shall be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such new employees for a period of:

(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.

(c) Any qualified company that engages in a high-impact project whereby the qualified company will hire at least 100 new employees within five years from the date the qualified company enters into an agreement with the secretary pursuant to section 4, and amendments thereto, shall be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such new employees for a period of:

(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.

(d) In the event that a qualified company contracts with a third party as described in paragraphs (a)(3) and (4), 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 section 5, and amendments thereto.

New Sec. 4. (a) Any qualified company meeting the requirements of section 3, 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 section 3, and amendments thereto.

(b) The secretary shall 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 section 3, 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 section 3, and amendments thereto.

(f) A qualified company seeking benefits shall not be allowed to participate in the IMPACT program, or any program pursuant to K.S.A. 74-50,102, and amendments thereto, or 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.

(g) The secretary shall adopt rules and regulations necessary to implement and administer the provisions of this act.

New Sec. 5. (a) Any qualified company eligible to receive benefits pursuant to section 3, and amendments thereto, shall complete and submit to the department of revenue 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.

(b) The secretary of revenue shall adopt rules and regulations necessary to implement and administer the provisions of this act. 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.

New Sec. 6. The secretary shall conduct an annual review of the activities undertaken by a qualified company pursuant to this act to ensure that the qualified company is in compliance with the provisions of this act, any rules and regulations adopted by the secretary with respect to this act and the agreement described in section 4, and amendments thereto. The books and records concerning employment and wages of any employees for which the qualified company or third party has retained any Kansas payroll withholding taxes shall be

available for inspection by the secretary or the secretary's duly authorized agents or employees at all times during business hours. The secretary may request the department of revenue to audit the qualified company or third party for compliance with the provisions of this act.

New Sec. 7. The secretary shall transmit annually to the governor, the standing committees on taxation and assessment and commerce of the senate, the standing committees on taxation and economic development and tourism of the house of representatives and the joint committee on economic development, or any successor committee, a report, based on information received from each qualified company receiving benefits under this act, describing the following:

- (a) The names of the qualified companies;
- (b) the types of qualified companies utilizing the act;
- (c) the location of such companies and the location of such companies' business operations in Kansas;
- (d) the number of new employees hired;
- (e) the wages paid for such new employees;
- (f) the annual amount of benefits provided under this act;
- (g) the estimated net state fiscal impact, including the direct and indirect new state taxes derived from the new employees hired; and
- (h) an estimate of the multiplier effect on the Kansas economy of the benefits received under this act.

Sec. 8. K.S.A. 2008 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 section 6, 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 pari-mutuel 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. 2008 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. 2008 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. 2008 Supp. 79-3234 is hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 12 by striking all after “ACT”; by striking all in line 13 and inserting “creating the promoting employment across Kansas act; amending K.S.A. 2008 Supp. 79-3234 and repealing the existing section.”;

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

RICHARD CARLSON

JEFF KING

JULIE MENGHINI

Conferees on part of House

LES DONOVAN

JULIA LYNN

G. TOM HOLLAND

Conferees on part of Senate

On motion of Rep. Carlson, the conference committee report on **SB 97** was adopted.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Kinzer.

Present but not voting: None.

Absent or not voting: None.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 161**, submits the following report:

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

On page 2, by striking all in lines 36 through 38 and inserting the following:

“Sec. 2. K.S.A. 2008 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. ~~Except as otherwise provided in subsection (b), at no time in any school year shall the amount maintained in the fund exceed an amount equal to 6% of the general fund budget of the district for the school year.~~

(b) ~~In any school year, 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 10% 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 (a) ~~to be maintained in the fund (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.*

Sec. 3. K.S.A. 2008 Supp. 12-1928 and 72-6426 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, by striking all in lines 10 and 11 and inserting “AN ACT concerning certain municipalities; relating to certain funds thereof; amending K.S.A. 2008 Supp. 12-1928 and 72-6426 and repealing the existing sections.”;

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 161** was adopted.

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

Yeas: Aurand, Ballard, Benlon, Bethell, 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, Huntington, Jack, Johnson, Kelley, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Neufeld, Schwartz, Ward.

Present but not voting: None.

Absent or not voting: None.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 212**, 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, by striking all in lines 7 through 12;

On page 4, in line 5, by striking "farm winery";

On page 6, by striking all in lines 27 through 33;

On page 7, in line 14, by striking "or" and inserting a comma; also in line 14, after "retailer's" by inserting "or special order shipping"; by striking all in line 43;

On page 8, by striking all in line 1 and inserting the following:

"Sec. 6. K.S.A. 41-2642 is hereby amended to read as follows: 41-2642. (a) A license for a drinking establishment shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises which may be open to the public, but only if such premises are located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, the proposition to amend section 10 of article 15 of the constitution of the state of Kansas at the general election in November 1986, or (B) have approved a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646 and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646 and amendments thereto.

(b) A drinking establishment shall be required to derive from sales of food for consumption on the licensed premises not less than 30% of all the establishment's gross receipts from sales of food and beverages on such premises unless the licensed premises are located in a county where the qualified electors of the county:

(1) Have approved, at an election pursuant to K.S.A. 41-2646 and amendments thereto, a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646 and amendments thereto.

(c) A drinking establishment shall specify in the application for a license or renewal of a license the premises to be licensed, which may include all premises which are in close proximity and are under the control of the applicant or licensee.

(d) Notwithstanding any other provision of law to the contrary, any hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment/caterer may sell alcoholic liquor or cereal malt beverage by means of minibars located in guest rooms of such hotel, subject to the following:

(1) The key, magnetic card or other device required to attain access to a minibar in a guest room shall be provided only to guests who are registered to stay in such room and who are 21 or more years of age;

(2) containers or packages of spirits or wine sold by means of a minibar shall hold not less than 50 nor more than 200 milliliters; and

(3) a minibar shall be restocked with alcoholic liquor or cereal malt beverage only during hours when the hotel is permitted to sell alcoholic liquor and cereal malt beverage as a drinking establishment.

(e) *A drinking establishment may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.*

Sec. 7. K.S.A. 41-2637 is hereby amended to read as follows: 41-2637. (a) A license for a class A club shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members and their families, and guests accompanying them.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member

of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 8. K.S.A. 41-2641 is hereby amended to read as follows: 41-2641. (a) A license for a class B club shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members of such club and guests accompanying them.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) Except as provided by subsection (d), an applicant for membership in a class B club shall, before becoming a member of such club:

(1) Be screened by the club for good moral character;

(2) pay an annual membership fee of not less than \$10; and

(3) wait for a period of 10 days after completion of the application form and payment of the membership fee.

(d) Notwithstanding the membership fee and waiting period requirement of subsection (c):

(1) Any class B club located on the premises of a hotel or RV resort may establish rules whereby a guest, who registered at the hotel or RV resort and who is not a resident of the county in which the club is located, may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(2) Any class B club located on property which is owned or operated by a municipal airport authority and upon which consumption of alcoholic liquor is authorized by law may establish rules whereby an air traveler who is a holder of a current airline ticket may file application for temporary membership in such club for the day such air traveler's ticket is valid, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(3) Any class B club may establish rules whereby military personnel of the armed forces of the United States on temporary duty and housed at or near any military installation located within the exterior boundaries of the state of Kansas may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of the training, not to exceed 20 weeks. Any person wishing to make application for temporary membership in a class B club under this subsection (d)(3) shall present the temporary duty orders to the club. Temporary membership issued under this subsection (d)(3) shall not be subject to the waiting period or fee requirements of this section.

(4) Any class B club may enter into a written agreement with a hotel or RV resort whereby a guest who is registered at the hotel or RV resort and who is not a resident of the county in which the club is located may file application for temporary membership in such club. The temporary membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and shall not be subject to the waiting period or dues requirement of this section. A club may enter into a written agreement with a hotel or RV resort pursuant to this provision only if (A) the hotel or RV

resort is located in the same county as the club, (B) there is no class B club located on the premises of the hotel or RV resort and (C) no other club has entered into a written agreement with the hotel or RV resort pursuant to this section.

(5) Any class B club located in a racetrack facility where races with parimutuel wagering are conducted under the Kansas parimutuel racing act may establish rules whereby persons attending such races may file an application for temporary membership in such club for the day such person is attending such races, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(e) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 9. K.S.A. 2008 Supp. 41-719 is hereby amended to read as follows: 41-719. (a) ~~No~~ (1) *Except as otherwise provided herein and in K.S.A. 8-1599, and amendments thereto, no person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.*

(2) Alcoholic liquor may be consumed at a special event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645, and amendments thereto, for such special event. Such special event must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any such special event.

(3) No person shall remove any alcoholic liquor from inside the boundaries of a special event as designated by the governing body of any city, county or township. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event.

(4) No person shall possess or consume alcoholic liquor inside the premises licensed as a special event that was not sold or provided by the licensee holding the temporary permit for such special event.

(b) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or

(5) on the premises of a microbrewery or farm winery, if authorized by K.S.A. 41-308a or 41-308b, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state-owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments thereto, or established by a city.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic beer or wine or wine imported under subsection (e) of K.S.A. 41-308a, and amendments thereto, and is consumed only for purposes of judging competitions; (B) the alcoholic liquor is wine or beer and is sold and consumed during the days of the Kansas state fair on premises leased by the state fair board to a person who holds a temporary permit issued pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the sale and serving of such wine or beer, or both; or (C) the alcoholic liquor is consumed on nonfair days in conjunction with bona fide scheduled events involving not less than 75 invited guests and the state fair board, in its discretion, authorizes the consumption of the alcoholic liquor, subject to any conditions or restrictions the board may require.

(6) In the state historical museum provided for by K.S.A. 76-2036, and amendments thereto, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(7) On the premises of any state-owned historic site under the jurisdiction and supervision of the state historical society, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(8) In a lake resort within the meaning of K.S.A. 32-867, and amendments thereto, on state-owned or leased property.

(9) In the Hiram Price Dillon house or on its surrounding premises, subject to limitations established in policies adopted by the legislative coordinating council, as provided by K.S.A. 75-3682, and amendments thereto.

(10) On the premises of any Kansas national guard regional training center or armory, and any building on such premises, as authorized by rules and regulations of the adjutant general and upon approval of the Kansas military board.

(11) On property exempted from this subsection (c) pursuant to subsection (d), (e), (f), (g) or (h).

(d) Any city may exempt, by ordinance, from the provisions of subsection (c) specified property the title of which is vested in such city.

(e) The board of county commissioners of any county may exempt, by resolution, from the provisions of subsection (c) specified property the title of which is vested in such county.

(f) The state board of regents may exempt from the provisions of subsection (c) the Sternberg museum on the campus of Fort Hays state university, or other specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) the Mulvane art center and the Bradbury Thompson alumni center on the campus of Washburn university, and other specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) The board of trustees of a community college may exempt from the provisions of subsection (c) specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(i) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 or by imprisonment for not more than six months, or both.

(j) *For the purposes of this section, "special event" means a picnic, bazaar, festival or other similar community gathering, which has been approved by the local governing body of any city, county or township.*

Sec. 10. K.S.A. 2008 Supp. 41-2645 is hereby amended to read as follows: 41-2645. (a) A temporary permit shall allow the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, which may be open to the public, subject to the terms of such permit.

(b) The director may issue a temporary permit to any one or more persons or organizations applying for such a permit, in accordance with rules and regulations of the secretary. The permit shall be issued in the names of the persons or organizations to which it is issued.

(c) Applications for temporary permits shall be required to be filed with the director not less than 14 days before the event for which the permit is sought unless the director waives such requirement for good cause. Each application shall state the purposes for which the proceeds of the event will be used. The application shall be upon a form prescribed and furnished by the director and shall be filed with the director in duplicate. Each application shall be accompanied by a permit fee of \$25 for each day for which the permit is issued, which fee shall be paid 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 thereof. All permit 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.

(d) Temporary permits shall specify the premises for which they are issued and shall be issued only for premises where the city, county or township zoning code allows use for which the permit is issued. No temporary permit shall be issued for premises which are not located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, to adopt the proposition amending section 10 of article 15 of the constitution of the state of Kansas at the general election in November, 1986; or (B) have approved a proposition to allow the sale of liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(e) (1) A temporary permit may be issued for the consumption of alcoholic liquor on a city, county or township street, alley, road, sidewalk or highway for a special event; provided, that such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the governing body of such city, county or township for such special event, a written request for such consumption and possession of such alcoholic liquor has been made to the local governing body and the special event is approved by the governing body of such city, county or township by ordinance or resolution. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event.

(2) Drinking establishments that are immediately adjacent to, or located within the licensed premises of a special event, for which a temporary permit has been issued and the consumption of alcoholic liquor on public property has been approved, may request that the drinking establishment's licensed premises be extended into and made a part of the licensed premises of the special event for the duration of the temporary permit issued for such special event.

(3) Each licensee selling alcoholic liquor for consumption on the premises of a special event for which a temporary permit has been issued shall be liable for violations of all laws governing the sale and consumption of alcoholic liquor.

(4) For the purposes of this section, "special event" shall have the same meaning given that term in K.S.A. 41-719, and amendments thereto.

~~(f)~~ (f) A temporary permit shall be issued for a period of time not to exceed three consecutive days, the dates and hours of which shall be specified in the permit, except that the director may issue one temporary permit, valid for the entire period of time of the Kansas state fair, which authorizes the sale of wine in its original, unopened container and the serving by the drink of only wine or beer, or both, on the state fairgrounds on premises specified in the temporary permit, by a person who has entered into an agreement with the state fair board for that purpose. Not more than four temporary permits may be issued to any one applicant in a calendar year.

~~(g)~~ (g) All proceeds from an event for which a temporary permit is issued shall be used only for the purposes stated in the application for such permit.

~~(h)~~ (h) A temporary permit shall not be transferable or assignable.

~~(h)~~ (i) The director may refuse to issue a temporary permit to any person or organization which has violated any provision of the Kansas liquor control act, the drinking establishment act or K.S.A. 79-41a01 et seq., and amendments thereto.

Sec. 11. K.S.A. 41-2651 is hereby amended to read as follows: 41-2651. (a) When application for licensure or renewal of licensure as a club or drinking establishment is received by the director, the director shall notify the governing body of the city or county where the premises to be licensed are located, if such governing body requests such notification.

(b) No such license or renewal shall be granted by the director until the expiration of at least 10 days from the time of filing the application for licensure or renewal with the director, during which period the governing body of any city or county notified pursuant to subsection (a) may request the director to hold a hearing on the granting or refusal to grant such license or renewal. ~~The~~

(c) At any time, the governing body of any city or county may request the director to hold a hearing on whether any license issued pursuant to this act should be revoked or suspended. The governing body shall provide the director reasonable cause to believe a hearing is necessary based upon factors included in rules and regulations by the secretary. The director may refuse the governing body's request absent such reasonable cause.

~~(d) Any hearing on the application held pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act as provided in K.S.A. 41-2609, and amendments thereto.~~

~~(e)~~ (e) At ~~such any hearing held pursuant to this section~~ the governing body of such city or county shall have the right to appear before the director and present testimony and evidence and make recommendations regarding the granting or refusal to grant such license or renewal, *or whether such license should be revoked or suspended.* In determining whether to grant or to refuse to grant such license or renewal, *or to revoke or suspend such license,* the director shall take into consideration the testimony and evidence and recommendations of the governing body of such city or county. The director may refuse to grant such license or renewal, *or may revoke or suspend such license* based on the evidence gathered at such hearing, *in the interest of protecting the public welfare, and in accordance with rules and regulations adopted by the secretary.*

~~(f)~~ (f) This section shall be part of and supplemental to the club and drinking establishment act.

New Sec. 12. If any provision of the Kansas liquor control act, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions shall be construed in accordance with the intent of the legislature to further limit rather than to expand commerce in alcoholic liquor and to enhance strict regulatory control over taxation, distribution and sale of alcoholic liquor through the three-tier regulatory system imposed by the Kansas liquor control act upon all alcoholic liquor and cereal malt beverages.

Sec. 13. K.S.A. 41-305, 41-2637, 41-2641, 41-2642 and 41-2651 and K.S.A. 2008 Supp. 41-308a, 41-317, 41-348, 41-349, 41-719 and 41-2645 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in lines 12 through 15 and inserting the following: “AN ACT concerning alcoholic beverages; amending K.S.A. 41-305, 41-2637, 41-2641, 41-2642 and 41-2651 and K.S.A. 2008 Supp. 41-308a, 41-317, 41-719 and 41-2645 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 41-348 and 41-349.”;

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 212** was adopted.

On roll call, the vote was: Yeas 88; Nays 37; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Hill, Horst, Huntington, Jack, Johnson, Kerschen, King, Kleeb, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Menghini, Merrick, Moxley, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Palmer, Patton, Peterson, Phelps, Pottorff, Prescott, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schwab, Schwartz, Slattery, Sloan, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Watkins, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brookens, A. Brown, Carlson, Craft, Crum, DeGraaf, Donohoe, George, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Huebert, Kelley, Kiegerl, Kinzer, Knox, Light, Mast, Morrison, Myers, Neufeld, Otto, Pauls, Peck, Powell, Proehl, Schroeder, Seiwert, Shultz, Siegfried, Swanson, Tafanelli, Vickrey, Whitham.

Present but not voting: None.

Absent or not voting: None.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **SB 212**. We have never used on-line age verification. We reduced the standard for **SB 212**. Is it acceptable for alcohol, cigarettes, or say firearms?

Physical identification is acceptable when delivering wine at the door. Will we lower the standard in other venues which have employees trained to ID customers.

This bill states licensees participating in special event sale of alcohol are liable for violations of laws governing the sale and consumption of alcoholic liquor. This dictates if three licensees participate and one violates the law all shall be liable. This language is too expansive.—ARLEN SIEGFREID, STEVE HUEBERT, J. ROBERT BROOKENS, MITCH HOLMES, S. MIKE KIEGERL

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2008**, 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, by striking all in lines 17 through 43;

On page 2, by striking all in lines 1 through 43;

On page 3, by striking all in lines 1 through 27; following line 27 by inserting:

“Section 1. (a) The practice of the healing arts shall not be construed to include any person administering epinephrine in emergency situations to a student or a member of a school staff if: (1) The person administering the epinephrine reasonably believes that the student or staff member is exhibiting the signs and symptoms of an anaphylactic reaction; (2) a physician has authorized, in writing, the school to maintain a stock supply of epinephrine; and (3) the epinephrine is administered at school, on school property or at a school-sponsored event.

(b) Any person who gratuitously and in good faith renders emergency care or treatment through the administration of epinephrine to a student or a member of a school staff at school, on school property or at a school-sponsored event shall not be held liable for any civil damages as a result of such care or administration or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.

Sec. 2. Any accredited school may maintain an epinephrine kit. An epinephrine kit may consist of one or more doses of epinephrine. Epinephrine from an epinephrine kit shall be used only in emergency situations when the person administering the epinephrine reasonably believes that the signs and symptoms of an anaphylactic reaction are occurring and if administered at school, on school property or at a school-sponsored event. A school may

not maintain an epinephrine kit unless the school has consulted with a pharmacist licensed by the state board of pharmacy. The consultant pharmacist shall have supervisory responsibility for maintaining the epinephrine kit. The consultant pharmacist shall be responsible for developing procedures, proper control and accountability for the epinephrine kit. Periodic physical inventory of the epinephrine kit shall be required. An epinephrine kit shall be maintained under the control of the consultant pharmacist.

Sec. 3. The state board of pharmacy may adopt any rules and regulations which the board deems necessary in relation to the maintenance of epinephrine kits under section 2, and amendments thereto.”;

By renumbering the remaining section;

In the title, in line 13, by striking all after “kits”; in line 14, by striking all before the period;

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

JEAN SCHODORF

JOHN VRATIL

ANTHONY HENSLEY

Conferees on part of Senate

DEENA HORST

DON HILL

ED TRIMMER

Conferees on part of House

On motion of Rep. Horst, the conference committee report on **Sub. HB 2008** was adopted.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2126**, 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. 2126, as follows:

On page 2, by striking all in lines 3 through 43;

By striking all on pages 3 through 7;

On page 8, by striking all in lines 1 through 39;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 10, by striking all after “situations”; by striking all in lines 11 through 14; in line 15, by striking all before the period;

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 2126** was adopted.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruij, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2250**, 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 17 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 7 and inserting the following:

"Section 1. K.S.A. 17-1766 is hereby amended to read as follows: 17-1766. ~~All solicitations by professional solicitors shall contain the following disclosures at the point of solicitation:~~

~~(a) The name, address and telephone number of the charitable organization;~~
~~(b) the registration number, obtained pursuant to K.S.A. 17-1763 for the charitable organization;~~

~~(c) if the solicitation is made by a person acting as a professional solicitor, the registration number obtained pursuant to K.S.A. 17-1765; and~~

~~(d) that an annual financial report required by K.S.A. 17-1763 for the preceding fiscal year is on file with the secretary of state: (a) Prior to verbally requesting a contribution, or contemporaneously with and accompanying a written request for a contribution, every professional solicitor shall affirmatively disclose the following at the point of solicitation:~~

~~(1) The fact that the solicitation is being made by a professional solicitor and not by an employee of the charitable organization on behalf of which the solicitation is being made;~~

~~(2) the name of the professional solicitor, the name of the professional fund raiser and the name of the charitable organization on behalf of which the solicitation is being made, all as registered with the secretary of state; and~~

(3) the fact that information about the professional solicitor, the professional fund raiser and the charitable organization are on file for public inspection with the secretary of state.

(b) In addition to the other requirements of this section, if the solicitation is written, the professional solicitor shall affirmatively disclose the following at the point and time of solicitation:

(1) The registration numbers obtained pursuant to K.S.A. 17-1763, 17-1764 and 17-1765, and amendments thereto;

(2) the address and telephone number of the charitable organization on behalf of which the solicitation is being made; and

(3) the fact that the charitable organization's most recent annual financial report required by K.S.A. 17-1763, and amendments thereto, is on file for public inspection with the secretary of state.

(c) In addition to the other requirements of this section, if the solicitation is verbal, the professional solicitor shall, if requested by the prospective contributor, disclose the following:

(1) The registration numbers obtained pursuant to K.S.A. 17-1763, 17-1764 and 17-1765, and amendments thereto;

(2) the address and telephone number of the charitable organization on behalf of which the solicitation is being made; and

(3) the fact that the charitable organization's most recent annual financial report required by K.S.A. 17-1763, and amendments thereto, is on file for public inspection with the secretary of state.

(d) In addition to the other requirements of this section, if requested by the prospective contributor, the professional solicitor shall disclose the amount of any contribution to be retained by the professional fund raiser. Such amount shall be calculated as follows:

(1) If the compensation paid to the professional fund raiser is contingent upon the number of contributions or the amount of revenue received from the solicitation campaign, the stated amount shall be expressed as a fixed percentage of gross revenue.

(2) If the compensation paid to the professional fund raiser is not contingent upon the number of contributions or the amount of revenue received, the stated amount shall be a reasonable estimate, expressed as a percentage of the gross revenue. The stated estimate, expressed as a percentage of gross revenue, shall be based upon all of the relevant facts known to the professional fund raiser regarding the solicitation to be conducted as well as the past performance of solicitations conducted by the professional fund raiser. The prospective donor shall be informed that the stated amount is an estimate.

Sec. 2. K.S.A. 17-1766 is hereby repealed.”;

Also on page 3, in line 9, by striking “Kansas register” and inserting “statute book”;

In the title, by striking all in lines 12 through 14 and inserting: “AN ACT amending the charitable organizations and solicitations act; concerning professional fund raisers; amending K.S.A. 17-1766 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 to adopt the conference committee report on **HB 2250**, the motion did not prevail.

On roll call, the vote was: Yeas 42; Nays 83; Present but not voting: 0; Absent or not voting: 0.

Yeas: Bowers, Burgess, Burroughs, Crow, DeGraaf, Faber, Feuerborn, Flaharty, Frownfelter, Fund, D. Gatewood, George, Grant, Henry, C. Holmes, M. Holmes, Huebert, Kerschen, King, Kinzer, Lukert, Maloney, Mast, Merrick, Myers, O'Neal, Olson, Otto, Pat-

ton, Pauls, Peck, Peterson, Prescott, Rhoades, Siegfried, Sloan, Tietze, Trimmer, Ward, Wetta, Whitham, Worley.

Nays: Aurand, Ballard, Benlon, Bethell, Brookens, A. Brown, T. Brown, Brunk, Carlin, Carlson, Colloton, Craft, Crum, Davis, Dillmore, Donohoe, Finney, Furtado, Garcia, S. Gatewood, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Henderson, Hermanson, Hill, Hineman, Horst, Huntington, Jack, Johnson, Kelley, Kiegerl, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Mah, McCray-Miller, McLeland, Menghini, Morrison, Moxley, Navinsky, Neighbor, Neufeld, O'Brien, Palmer, Phelps, Pottorff, Powell, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Vickrey, Watkins, Williams, Winn, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: None.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2292**, 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 8, by striking all in lines 10 through 43;

By striking all on pages 9 through 27;

On page 28, by striking all in lines 1 through 37;

And by renumbering sections accordingly;

Also on page 28, in line 38, by striking all following "K.S.A."; by striking all in lines 39 and 40; in line 41, by striking all preceding "2008";

In the title, in line 15, by striking "concerning certain consumer loan services;"; in line 16, by striking all following "ing"; by striking all in lines 17 and 18; in line 19, by striking all preceding "K.S.A.";

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

RUTH TEICHMAN

KARIN BROWNLEE

CHRIS STEINER

Conferees on part of Senate

ANTHONY BROWN

RICHARD J. PROEHL

BOB GRANT

Conferees on part of House

On motion of Rep. A. Brown, the conference committee report on **HB 2292** was adopted.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2096**, 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 25, by inserting the following:

“(3) review proposals related to driving under the influence introduced in the 2009 legislative session;

(4) review other subjects related to driving under the influence referred to the commission by the chairperson of the standing senate committee on judiciary, house committee on judiciary or house committee on corrections and juvenile justice;”;

And by renumbering the remaining paragraphs accordingly;

Also on page 1, in line 43, by striking all after “(3)”;

On page 2, in line 1 by striking all before the semicolon and inserting “the ranking minority member of the standing committee on judiciary of the house of representatives;

(4) the ranking minority member of the standing committee on judiciary of the senate”;

And by renumbering the remaining paragraphs accordingly;

Also on page 2, in line 2, by striking “, a district magistrate judge”;

On page 26, in line 16, before the period, by inserting “or first appearance, whichever occurs first”;

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 2096** was adopted.

On roll call, the vote was: Yeas 106; Nays 19; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Benlon, Bethell, Bowers, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleebl, Knox, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Brookens, A. Brown, Carlson, Faber, Gordon, Grange, Hayzlett, Huebert, Light, McLeland, Merrick, Neufeld, Peck, Pottorff, Powell, Schroeder, Schwartz, Tafanelli.

Present but not voting: None.

Absent or not voting: None.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Myers, the House nonconcurred in Senate amendments to **S. Sub. for HB 2085** and asked for a conference.

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

On motion of Rep. Myers, the House nonconcurrent in Senate amendments to **S. Sub. for HB 2267** and asked for a conference.

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 resolution was introduced and read by title:

HOUSE RESOLUTION No. 6026—

By Representatives Merrick and O'Neal

A RESOLUTION commemorating the twentieth anniversary of the sister-state relationship between the State of Kansas and the Province of Taiwan, Republic of China.

WHEREAS, On November 14, 1989, the State of Kansas invited the Province of Taiwan, Republic of China to join the State of Kansas as a sister state to strengthen international understanding and goodwill and to establish a greater friendship between the residents of Kansas and Taiwan; and

WHEREAS, The Province of Taiwan has been a true friend and steadfast partner of the State of Kansas in an enduring sister-state relationship for 20 years; and

WHEREAS, Over the past 20 years, the bonds of friendship between Kansas and Taiwan have strengthened, resulting in a better economic, social and cultural exchange between the two; and

WHEREAS, Every other year, Taiwan has sent an Agriculture Trade Goodwill Mission to Kansas to demonstrate Taiwan's continuing goodwill and willingness to purchase Kansas agricultural products and the Kansas agricultural industry has benefitted greatly over the past two decades from the sale of wheat, corn and beef into Taiwan; and

WHEREAS, Beginning in 1989, every year over 400 students from Taiwan have studied at Kansas colleges and universities; and

WHEREAS, The commercial interaction between the State of Kansas and Taiwan has grown substantially with each passing year, resulting in increased economic growth for both Taiwan and Kansas; and

WHEREAS, Taiwan is the ninth largest trade partner of the United States, with over \$64.7 billion in two-way trade in 2007, and is a top foreign market for Kansas products: Now, therefore,

Be it resolved by the House of Representatives: That we, on behalf of the people of the State of Kansas, do hereby express our sincere friendship and appreciation to the people of the Province of Taiwan, Republic of China for 20 years of enlightenment, friendship and mutual economic growth as our sister-state; and

Be it further resolved: That it is with great pride that the State of Kansas looks forward to many more rewarding years as a sister-state with the Province of Taiwan, Republic of China; 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 the United States Secretary of State Hillary Clinton, U.S. Department of State, 2201 C Street NW, Washington, DC 20520; to Director General Dale W. Jieh, Taipei Economic and Cultural Office, 3100 Broadway, Suite 800, Kansas City, MO 64111; and to each member of the Kansas Congressional Delegation and to provide two enrolled copies of this resolution to Representative Ray Merrick.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. McCray-Miller, **HR 6027**, by Rep. McCray-Miller, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6027—

By Representative McCray-Miller

A RESOLUTION congratulating and commending the Wichita Heights High School boys basketball team.

WHEREAS, The Wichita Heights High School Falcons won the 2009 Class 6A State Championship with a 73-58 victory over Southeast High School; and

WHEREAS, This championship was the first in any boys sport at Wichita Heights High School since 1977; and

WHEREAS, The Falcons finished the season with a 24-1 record, including a 16-0 mark in the city league, the first team to do so since 1994 and finished the season ranked in the top ten in the country by CBS Max Preps; and

WHEREAS, The team members are Seniors Dorrian Roberts, Austin Bahner, Thomas Bland and Steven VanLooy; Juniors Darrell Dempsey and Keith Riley; Sophomores Dreamius Smith, Evan Wessel, E.J. Dobbins and Jay Bradley; Freshmen Perry Ellis and Terrence Moore; and team managers Kyle Coffman, Aaron Roberts and Austin Sheppard; and

WHEREAS, The team was expertly coached by Head Coach Joe Auer and assistant coaches Ric Vix, Bryan Chadwick and Tyler Richardson; and

WHEREAS, The Falcons also earned a number of individual awards during their fantastic season. Freshman Perry Ellis was named Gatorade Player of the Year in Kansas, Coach Joe Auer was named the State Coach of the Year by the Wichita Eagle and Seniors Thomas Bland, Austin Bahner and Dorrian Roberts earned All-League and All-State honors; and

WHEREAS, The dedication and teamwork required to win a state championship makes the Falcons accomplishments truly remarkable: 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 boys basketball team for winning the 2009 Class 6A State Championship and that we wish them future success; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide 18 enrolled copies of this resolution to Representative Melody McCray-Miller.

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 5:30 p.m.

EVENING SESSION

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

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 35**.

The Senate adopts conference committee report on **S. Sub. for HB 2260**.

The Senate adopts the conference committee report to agree to disagree on **HB 2052** and has appointed Senators Teichman, Brownlee and Steineger as second conferees on the part of the Senate.

The Senate adopts the conference committee report to agree to disagree on **HB 2214** and has appointed Senators Teichman, Brownlee and Steineger as second conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Select Committee on KPERS recommends **HB 2073** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2073," as follows:

“Substitute for HOUSE BILL No. 2073
By Select Committee on KPERS

“AN ACT concerning retirement and pensions; relating to employment after retirement; retirants employed by third-party entities; amending K.S.A. 2008 Supp. 74-4914 and repealing the existing section.”; and the substitute bill be passed.

(**Sub. HB 2073** was thereupon introduced and read by title.)

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2052**, 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.

RUTH TEICHMAN
KARIN BROWNLEE
CHRIS STEINEGER

Conferees on part of Senate

CLARK SHULTZ
VIRGIL PECK, JR.

Conferees on part of House

On motion of Rep. Shultz to adopt the conference committee report on **HB 2052**, the motion did not prevail, and the bill remains in conference.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2214**, 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.

RUTH TEICHMAN
KARIN BROWNLEE
CHRIS STEINEGER

Conferees on part of Senate

CLARK SHULTZ
VIRGIL PECK, JR.

Conferees on part of House

On motion of Rep. Shultz, the conference committee report on **HB 2214** was adopted. Speaker O’Neal thereupon appointed Reps. Shultz, Peck and Swenson as second conferees on the part of the House.

REPORT ON ENGROSSED BILLS

HB 2131, **HB 2134**, **HB 2308**; **Sub. HB 2354** reported correctly engrossed April 2, 2009.

REPORT ON ENROLLED RESOLUTIONS

HCR 5018 reported correctly enrolled and properly signed on April 2, 2009.

Also, **HR 6018**, **HR 6020** reported correctly enrolled and properly signed on April 2, 2009.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Friday, April 3, 2009.

Journal of the House

FIFTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, April 3, 2009, 9:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 125 members present.
Rep. Hill was excused on excused absence by the Speaker later in the day.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
today I pray for these wonderful
leaders Your words of instruction.
"If they accept Your words
and store up your commands,
turning their ear to wisdom
and applying their hearts to understanding;
if they call out for insight
and cry aloud for understanding . . .
then they will understand the fear of the Lord
and find the knowledge of God.
For You give wisdom,
and from Your mouth comes
knowledge and understanding.
You hold victory in store for the upright,
You are a shield to those whose walk is blameless,
You guard the course of the just
and protect the way of Your faithful ones.
Then they will understand what is right and just
and fair—every good path."
(Proverbs 2:1-9—paraphrase)
Give them understanding, a sense of what is just,
and wisdom for fairness.
This I pray in the Name of Jesus, Amen.

The Pledge of Allegiance was led by Rep. Mah.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was referred to committee as indicated:
Committee of the Whole: **SCR 1617**.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **Sub. SB 28**.
The Senate adopts conference committee report on **SB 68**.
The Senate adopts conference committee report on **SB 97**.
The Senate adopts conference committee report on **H. Sub. for SB 98**.
The Senate adopts conference committee report on **SB 134**.
The Senate adopts conference committee report on **H. Sub. for SB 145**.

The Senate adopts conference committee report on **SB 161**.

The Senate adopts conference committee report on **SB 212**.

The Senate adopts conference committee report on **S. Sub. for Sub. HB 2014**.

The Senate adopts conference committee report on **HB 2060**.

The Senate adopts conference committee report on **HB 2121**.

The Senate adopts conference committee report on **HB 2152**.

The Senate adopts conference committee report on **HB 2158**.

The Senate adopts conference committee report on **HB 2172**.

The Senate concurs in House amendments to **SB 158**, and requests return of the bill.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 257**, requests a conference and has appointed Senators Reitz, Wagle and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **SB 84** and has appointed Senators Schodorf, Vratil and Hensley 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 2085** 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 HB 2267** and has appointed Senators Brungardt, Reitz and Faust-Goudeau 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 257**.

Speaker O'Neal thereupon appointed Reps. Schwartz, M. Holmes and Garcia as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS

In accordance with subsection (b) of House Rule 1309, Rep. Dillmore moved that **HB 2367** be withdrawn from Committee on Insurance and be placed on the calendar under the order of business 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 April 29, 2009, under the order of business "Consideration of Motions and House Resolutions Offered on a Previous Day" as provided by House Rule 1309 (b).)

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2374, An act concerning employment security law; relating to alternative base periods and benefits for individuals forced to leave employment to care for an ill or disabled family member; amending K.S.A. 2008 Supp. 44-703 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 117; Nays 8; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, 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, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Donohoe, Gordon, Kelley, Kinzer, Merrick, Patton, Siegfried.
 Present but not voting: None.
 Absent or not voting: None.
 The bill passed, as amended.

HB 2388. An act concerning the county business restoration assistance program; amending K.S.A. 2008 Supp. 75-3713e and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.
 Present but not voting: None.
 Absent or not voting: None.
 The bill passed, as amended.

HCR 5020—A Concurrent Resolution designating the fourth Saturday in July as National Day of the Cowboy, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 1; Absent or not voting: 0.

Yeas: Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.
 Present but not voting: Aurand.
 Absent or not voting: None.
 The resolution was adopted.

HCR 5021—A Concurrent Resolution recognizing the contributions of the Kansas Cowboy Hall of Fame, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The resolution was adopted.

H. Sub. for SB 218. An act concerning abortion; regarding restrictions on late term and partial birth abortion; amending K.S.A. 65-445, 65-6701, 65-6703, 65-6709, as amended by section 1 of 2009 HOUSE Substitute for Senate Bill No. 238 and 65-6721 and K.S.A. 2008 Supp. 65-2836 and repealing the existing sections; also repealing K.S.A. 65-6713, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 43; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, Fund, D. Gatewood, S. 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, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Svaty, Swanson, Swenson, Tafanelli, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, Yoder.

Nays: Ballard, Benlon, T. Brown, Carlin, Colloton, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, Gordon, Goyle, Hawk, Henderson, Hill, Huntington, Johnson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Talia, Tietze, Trimmer, Ward, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

SCR 1610. A Concurrent Resolution urging the Environmental Protection Agency to authorize the use of higher blends of ethanol in non-flex fuel vehicles, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 12; Present but not voting: 3; Absent or not voting: 0.

Yeas: Ballard, 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, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kerschen, King, Kleeb, Knox, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Huntington, Kelley, Kiegerl, Kinzer, Landwehr, Lane, Mast, Quigley, Rardin, Spalding, Watkins, K. Wolf.

Present but not voting: Aurand, Hineman, Moxley.

Absent or not voting: None.
The resolution was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 160**, submits the following report:

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

On page 2, by striking all in lines 8 through 15; in line 16, by striking “(d)” and inserting “(c)”; in line 17, by striking “section 6 of the”; by striking all in line 18; in line 19, by striking all before “and” and inserting “the federal fair labor standards act (29 U.S.C.A. 201 et seq.)”; by striking all in lines 21 through 29;

And by renumbering sections accordingly;

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

DAVID WYSONG

JULIA LYNN

G. TOM HOLLAND

Conferees on part of Senate

On motion of Rep. Brunk, the conference committee report on **SB 160** was adopted.

On roll call, the vote was: Yeas 110; Nays 15; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Aurand, Carlson, Faber, Hayzlett, Hineman, Kelley, Kiegerl, Kinzer, Knox, Mast, Merrick, Patton, Powell, Rhoades, Siegfried.

Present but not voting: None.

Absent or not voting: None.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 171**, 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, by striking all in lines 15 through 43;

By striking all of pages 2 through 5 and inserting in lieu thereof the following:

“Section 1. K.S.A. 25-1218 is hereby amended to read as follows: 25-1218. (a) The secretary of state shall prescribe the form of official federal services absentee ballots. Such ballots shall provide for voting for all officers; ~~other than precinct committeeman and committeewoman, for whom the voter would otherwise be entitled to vote and shall also provide for voting on any proposed amendment to the constitution of the state of Kansas and any other and on any proposition or question which is to be submitted to a vote of the qualified~~

electors of the state at large for which the voter would otherwise be entitled to vote. Such ballots shall be uniform in size and in style of type, and the type and paper shall conform generally to that used for the regular official ballots. The respective county election officers shall cause to be prepared and printed such numbers of ballots as may be appropriate for carrying out the provisions of this act.

(b) Such ballots shall contain the title of each office to be voted for, followed by the name and address of each nominated candidate for each office, the party or independent body nominating such candidate, a designation of the political subdivision to be represented, and a blank space for writing in the name of any other person for whom the voter desires to vote, ~~except that~~. *Except for precinct committee men and committee women* no such blank space shall be printed on the primary ballot following the title of any office for which there is a candidate.

Sec. 2. K.S.A. 2008 Supp. 25-1124 is hereby amended to read as follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter shall cast such voter's vote as follows: The voter shall make a cross or check mark in the square or parentheses opposite the name of each candidate or question for whom the voter desires to vote. The voter shall make no other mark, and shall allow no other person to make any mark, upon such ballot. If the advance voting ballot was transmitted by mail, the voter personally shall place the ballot in the ballot envelope bearing the same number as the ballot and seal the envelope. The voter shall complete the form on the ballot envelope and shall sign the same. Except as provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope shall be mailed or otherwise transmitted to the county election officer. If the advance voting ballot was transmitted to the voter in person in the office of the county election officer or at a satellite advance voting site, the voter may deposit such ballot into a locked ballot box without an envelope.

(b) Any sick, physically disabled or illiterate voter who is unable to apply for or mark or transmit an advance voting ballot, may request assistance by a person who has signed a statement required by subsection (d) in applying for or marking an advance voting ballot.

(c) Any voted ballot may be transmitted to the county election officer by the voter or by another person ~~upon request of~~ *designated in writing by* the voter. Any such voted ballot shall be transmitted to the county election officer before the close of the polls on election day.

(d) The county election officer shall allow a person to assist a sick, physically disabled or illiterate voter in applying for or marking an application or advance voting ballot, provided a written statement is signed by the person who renders assistance to the sick, physically disabled or illiterate voter and submitted to the county election officer with the application or ballot. The statement shall be on a form prescribed by the secretary of state and shall contain a statement from the person providing assistance that the person has not exercised undue influence on the voting decision of the sick, physically disabled or illiterate voter and that the person providing assistance has completed the application or marked the ballot as instructed by the sick, physically disabled or illiterate voter.

(e) Any person assisting a sick, physically disabled or illiterate voter in applying for or marking an advance voting ballot who knowingly and willfully fails to sign and submit the statement required by this section or who exercises undue influence on the voting decision of such voter shall be guilty of a severity level 9 nonperson felony.

Sec. 3. K.S.A. 2008 Supp. 25-1128 is hereby amended to read as follows: 25-1128. (a) No voter shall mark or transmit to the county election officer more than one advance voting ballot, or set of one of each kind of ballot, if the voter is entitled to vote more than one such ballot at a particular election.

(b) Except as provided in K.S.A. 25-1124, and amendments thereto, no person shall interfere with or delay the transmission of any advance voting ballot application from a voter to the county election officer, nor shall any person mail, fax or otherwise cause the application to be sent to a place other than the county election office. Any person or group engaged in the distribution of advance voting ballot applications shall mail, fax or otherwise deliver any application signed by a voter to the county election office within two days after such application is signed by the applicant.

(c) *Except as otherwise provided by law, no person other than the voter shall sign an application for an advance voting ballot for such voter.*

~~(e)~~ (d) Except as otherwise provided by law, no person other than the voter, shall mark, sign or transmit to the county election officer any advance voting ballot or advance voting ballot envelope.

~~(f)~~ (e) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-1124, and amendments thereto, shall intercept, interfere with, or delay the transmission of advance voting ballots from the county election officer to the voter.

~~(g)~~ (f) No person shall willfully and falsely affirm, declare or subscribe to any material fact in an affirmation form for an advance voting ballot, or set of advance voting ballots if the voter is entitled to vote more than one kind of advance voting ballot at a particular election, or in a declaration form on an advance voting ballot envelope.

~~(h)~~ Nothing in this section shall be construed to prohibit any person from mailing, carrying or otherwise conveying advance voting ballots or sets of advance voting ballots to the county election officer upon request of advance voting voters.

(g) A voter may return such voter's advance voting ballot to the county election office by personal delivery or by mail. Upon written designation showing the date and signature by the voter on the ballot envelope, a person other than the voter may be designated to return the advance voting ballot by personal delivery or mail. Any such person designated by the voter shall sign a statement and date such statement at the time the ballot is taken from the voter and which statement appears on the ballot envelope that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter. Any person designated by a voter to deliver such voter's advance voting ballot shall mail or deliver the ballot and the designation and statement required by this section to the county election office. Such delivery shall occur within two business days after receiving the ballot from the voter but not later than the close of polls on election day.

~~(i)~~ (h) Violation of any provision of this section is a ~~class C misdemeanor~~ **class C misdemeanor** severity level 9 nonperson felony. No person may be found to have violated subsection (g) unless there is evidence the violation was knowingly and willfully done.

Sec. 4. K.S.A. 25-205 is hereby amended to read as follows: 25-205. (a) Except as otherwise provided in this section, the names of candidates for national, state, county and township offices shall be printed upon the official primary ballot when each shall have qualified to become a candidate by one of the following methods and none other: (1) They shall have had filed in their behalf, not later than 12:00 noon, ~~June 10 May 24~~, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12:00 noon of the next following day that is not a Saturday, Sunday or a holiday, nomination petitions, as provided for in this act, except that in 1998, candidates for judge or district magistrate judge of the district court for positions created in 1998 in those judicial districts that have not approved the proposition of nonpartisan selection of judges of the district court shall have filed in their behalf, not later than 12:00 noon, July 1, 1998, nomination petitions, as provided for in this act; or (2) they shall have filed not later than the time for filing nomination petitions, as above provided, with the proper officer a declaration of intention to become a candidate, accompanied by the fee required by law. Such declaration shall be prescribed by the secretary of state.

(b) Nomination petitions shall be in substantially the following form:

I, the undersigned, an elector of the county of _____, and state of Kansas, and a duly registered voter, and a member of _____ party, hereby nominate _____, who resides in the township of _____ (or at number _____ on _____ street, city of _____), in the county of _____ and state of Kansas, as a candidate for the office of (here specify the office) _____, to be voted for at the primary election to be held on the first Tuesday in August in _____, as representing the principles of such party; and I further declare that I intend to support the candidate herein named and that I have not signed and will not sign any nomination petition for any other person, for such office at such primary election.

(HEADING)

Name of Signers.	Street Number or Rural Route (as registered).	Name of City.	Date of Signing.
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All nomination petitions shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

(c) Each signer of a nomination petition shall sign but one such petition for the same office, and shall declare that such person intends to support the candidate therein named, and shall add to such person's signature and residence, if in a city, by street and number (if any); or, otherwise by post-office address. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address they shall be continuous and clearly made. Such sheets shall not be cut or pasted together.

(d) All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit described in this paragraph of a petition circulator who is a resident of the state of Kansas and has the qualifications of an elector in the state of Kansas or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator or the candidate, to the effect that such circulator or the candidate personally witnessed the signing of the petition by each person whose name appears thereon.

(e) Except as otherwise provided in subsection (g), nomination petitions shall be signed:

(1) If for a state officer elected on a statewide basis or for the office of United States senator, by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the state as compiled by the office of the secretary of state;

(2) If for a state or national officer elected on less than a statewide basis, by voters equal in number to not less than 2% of the total of the current voter registration of the party designated in such district as compiled by the office of the secretary of state, except that for the office of district magistrate judge, by not less than 2% of the total of the current voter registration of the party designated in the county in which such office is to be filled as certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto;

(3) If for a county office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such district or county as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto; and

(4) If for a township office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such township as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto.

(f) Subject to the requirements of K.S.A. 25-202, and amendments thereto, any political organization filing nomination petitions for a majority of the state or county offices, as provided in this act, shall have a separate primary election ballot as a political party and, upon receipt of such nomination petitions, the respective officers shall prepare a separate state and county ballot for such new party in their respective counties or districts thereof in the same manner as is provided for existing parties.

(g) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas or member of the state board of education:

(1) If new boundary lines are defined and districts established in the manner prescribed by law on or before ~~May 10~~ April 24, nomination petitions for nomination to such offices shall be signed by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the district as compiled by the office of the secretary of state.

(2) If new boundary lines are defined and districts established in the manner prescribed by law on or after ~~May~~ April 11, nomination petitions for nomination to the following offices shall be signed by registered voters of the party designated in the district equal in number to not less than the following:

- (A) For the office of representative in the United States congress 1,000 registered voters;

- (B) for the office of member of the state board of education 300 registered voters;
 - (C) for the office of state senator 75 registered voters; and
 - (D) for the office of state representative 25 registered voters.
- (h) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas or member of the state board of education:

(1) If new boundary lines are defined and districts established in the manner prescribed by law on or before ~~June 10~~ *May 24*, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be 12:00 noon on ~~June 24~~ *7*, or if such date falls on a Saturday, Sunday or a holiday, then before 12:00 noon of the next following day that is not a Saturday, Sunday or holiday.

(2) If new boundary lines are defined and districts established in the manner prescribed by law on or after ~~June 11~~ *May 25*, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be 12:00 noon on ~~July 12~~ *June 26*, or if such date falls on a Saturday, Sunday or holiday, then before 12:00 noon of the next day that is not a Saturday, Sunday or holiday.

Sec. 5. K.S.A. 25-4004 is hereby amended to read as follows: 25-4004. The provisions of K.S.A. 25-205, and amendments thereto, shall not apply to the offices of governor and lieutenant governor. The names of candidates for governor and lieutenant governor shall be printed upon the official primary ballot when each pair thereof shall have qualified to become candidates in one or the other of the following methods and none other: *First*, they shall have had filed in their behalf, not later than ~~twelve o'clock~~ *12:00 noon, June 10 May 24*, prior to such primary election, or if such date falls on Saturday, Sunday or a legal holiday, then before twelve o'clock noon the following business day, nomination papers, commonly called nomination petitions, as provided for in K.S.A. 25-4005, and amendments thereto; or, *second*, they shall have filed not later than the time for filing nomination papers, as above provided, with the secretary of state, as hereinafter prescribed, a declaration of intention to become candidates, accompanied by a fee as provided in K.S.A. 25-4006, and amendments thereto.

Sec. 6. K.S.A. 2008 Supp. 25-1216 is hereby amended to read as follows: 25-1216. (a) Every person who is qualified and eligible to vote by federal services absentee ballot under the provisions of this act may make application for such ballot to the county election officer of the county of such voter's residence or to the secretary of state. Such application shall be made by postcard application provided for and prescribed in the federal act or on a form to be prescribed by the secretary of state. Any such application shall be valid for any election at which such voter otherwise is entitled to vote between the date of the application through the next two regularly scheduled general elections for national or state office.

(b) If the voter is residing outside the United States or is a member of the United States armed forces or a spouse or dependent of a member of the armed forces and a qualified elector and cannot vote timely by mail, the voter may apply for registration and an absentee ballot by facsimile or *electronic mail*. The voter may also request that the county election officer transmit to such voter by facsimile or *electronic mail* a ballot, or a second ballot, as the case may be. The voter may then either mail or transmit by facsimile or *electronic mail* such voter's voted ballot, back to the county election officer.

If the voter chooses to transmit the voted ballot to the county election officer by facsimile or *electronic mail*, the transmittal shall contain the following statement: "I understand that by faxing or *electronically mailing* my voted ballot I am voluntarily waiving my right to a secret ballot." This statement shall be followed by the voter's signature and the date. Upon receipt of the transmittal, the county election officer shall place the voted ballot along with the signed statement and affidavit in an appropriately marked envelope and seal it. The county election officer and such officer's staff shall take the steps necessary to keep the voted ballots received by facsimile or *electronic mail* as confidential as practicable.

Sec. 7. K.S.A. 25-205, 25-1218 and 25-4004 and K.S.A. 2008 Supp. 25-1124, 25-1128 and 25-1216 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, in line 10, by striking all after "concerning"; by striking all in line 11; in line 12, by striking all before the period and

inserting “elections; pertaining to efficiency in handling ballots from military personnel and other official services absentee voters; pertaining to advance voting ballots; pertaining to candidate filing deadlines; amending K.S.A. 25-205, 25-1218 and 25-4004 and K.S.A. 2008 Supp. 25-1124, 25-1128 and 25-1216 and repealing the existing sections.”;

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

STEVE HUEBERT

SCOTT SCHWAB

Conferees on part of House

VICKI SCHMIDT

PAT APPLE

Conferees on part of Senate

On motion of Rep. Huebert to adopt the conference committee report on **SB 171**, Rep. Moxley 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. Huebert, Schwab and Sawyer as third conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2260**, 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. 2260, as follows:

On page 2, in line 43, by striking all after “dwelling”;

On page 3, by striking all in line 1; in line 2, by striking “greater”;

On page 7, in line 24, after “of”, where it appears for the first time, by inserting “any misdemeanor or”;

On page 8, in line 26, by striking “July 1, 2010” and inserting “January 1, 2010”;

On page 9, in line 41, by striking “6” and inserting “8”;

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

DAVID WYSONG

JULIA LYNN

G. TOM HOLLAND

Conferees on part of Senate

STEVEN R. BRUNK

JOHN C. GRANGE

LOUIS E. RUIZ

Conferees on part of House

On motion of Rep. Brunk, the conference committee report on **HB 2260** was adopted.

On roll call, the vote was: Yeas 99; Nays 26; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, 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, Huebert, Huntington, Jack, Johnson, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, O’Neal, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Seiwert, Shultz, Slatery, Spalding, Svaty, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Carlson, DeGraaf, Donohoe, Faber, Gordon, Hayzlett, Kelley, Kiegerl, Kinzer, Landwehr, McLeland, Merrick, Neufeld, O'Brien, Olson, Otto, Peck, Powell, Schroeder, Schwab, Schwartz, Siegfried, Sloan, Swanson.

Present but not voting: None.

Absent or not voting: None.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Bowers to concur in Senate amendments to **S. Sub. for HB 2085**, Rep. Aurand rose on a point of order and asked for a ruling on Joint Rule 3(b) concerning that if the motion failed, could this bill be considered again on Motions to Concur and Nonconcur. The Rules Committee will meet and make a ruling.

The question reverted back to the motion of Rep. Bowers and the House concurred in Senate amendments to **S. Sub. for HB 2085**, An act concerning solid waste; relating to management plans; relating to the waste tire management fund; amending K.S.A. 2008 Supp. 65-3410 and 65-3424g 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 105; Nays 20; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Feuerborn, Finney, Flaherty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Carlson, DeGraaf, Donohoe, Faber, Gordon, Hayzlett, M. Holmes, Huebert, Kelley, Kinzer, Landwehr, Mast, McLeland, Merrick, Morrison, O'Neal, Peck, Powell, Schwab.

Present but not voting: None.

Absent or not voting: None.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2172**, 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, by striking all in lines 16 through 43;

By striking all on pages 2 through 10;

On page 11, by striking all in lines 1 through 8, and inserting the following:

"Section 1. K.S.A. 2008 Supp. 79-3602, as amended by section 1 of 2009 House Bill No. 2321, is hereby amended to read as follows: 79-3602. Except as otherwise provided, as used in the Kansas retailers' sales tax act:

(a) "Agent" means a person appointed by a seller to represent the seller before the member states.

(b) "Agreement" means the multistate agreement entitled the streamlined sales and use tax agreement approved by the streamlined sales tax implementing states at Chicago, Illinois on November 12, 2002.

(c) "Alcoholic beverages" means beverages that are suitable for human consumption and contain .05% or more of alcohol by volume.

(d) "Certified automated system (CAS)" means software certified under the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction.

(e) "Certified service provider (CSP)" means an agent certified under the agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(f) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(g) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(h) "Delivered electronically" means delivered to the purchaser by means other than tangible storage media.

(i) "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating and packing. Delivery charges shall not include charges for delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(j) "Direct mail" means printed material delivered or distributed by United States mail or other delivery services to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. Direct mail includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. Direct mail does not include multiple items of printed material delivered to a single address.

(k) "Director" means the state director of taxation.

(l) "Educational institution" means any nonprofit school, college and university that offers education at a level above the twelfth grade, and conducts regular classes and courses of study required for accreditation by, or membership in, the North Central Association of Colleges and Schools, the state board of education, or that otherwise qualify as an "educational institution," as defined by K.S.A. 74-50,103, and amendments thereto. Such phrase shall include: (1) A group of educational institutions that operates exclusively for an educational purpose; (2) nonprofit endowment associations and foundations organized and operated exclusively to receive, hold, invest and administer moneys and property as a permanent fund for the support and sole benefit of an educational institution; (3) nonprofit trusts, foundations and other entities organized and operated principally to hold and own receipts from intercollegiate sporting events and to disburse such receipts, as well as grants and gifts, in the interest of collegiate and intercollegiate athletic programs for the support and sole benefit of an educational institution; and (4) nonprofit trusts, foundations and other entities organized and operated for the primary purpose of encouraging, fostering and conducting scholarly investigations and industrial and other types of research for the support and sole benefit of an educational institution.

(m) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(n) "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include alcoholic beverages or tobacco.

(o) "Gross receipts" means the total selling price or the amount received as defined in this act, in money, credits, property or other consideration valued in money from sales at retail within this state; and embraced within the provisions of this act. The taxpayer, may take credit in the report of gross receipts for: (1) An amount equal to the selling price of property returned by the purchaser when the full sale price thereof, including the tax collected, is refunded in cash or by credit; and (2) an amount equal to the allowance given for the trade-in of property.

(p) "Ingredient or component part" means tangible personal property which is necessary or essential to, and which is actually used in and becomes an integral and material part of tangible personal property or services produced, manufactured or compounded for sale by the producer, manufacturer or compounder in its regular course of business. The following items of tangible personal property are hereby declared to be ingredients or component

parts, but the listing of such property shall not be deemed to be exclusive nor shall such listing be construed to be a restriction upon, or an indication of, the type or types of property to be included within the definition of "ingredient or component part" as herein set forth:

(1) Containers, labels and shipping cases used in the distribution of property produced, manufactured or compounded for sale which are not to be returned to the producer, manufacturer or compounder for reuse.

(2) Containers, labels, shipping cases, paper bags, drinking straws, paper plates, paper cups, twine and wrapping paper used in the distribution and sale of property taxable under the provisions of this act by wholesalers and retailers and which is not to be returned to such wholesaler or retailer for reuse.

(3) Seeds and seedlings for the production of plants and plant products produced for resale.

(4) Paper and ink used in the publication of newspapers.

(5) Fertilizer used in the production of plants and plant products produced for resale.

(6) Feed for 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, fur, or the production of offspring for use for any such purpose or purposes.

(q) "Isolated or occasional sale" means the nonrecurring sale of tangible personal property, or services taxable hereunder by a person not engaged at the time of such sale in the business of selling such property or services. 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. Such term shall include: (1) Any sale by a bank, savings and loan institution, credit union or any finance company licensed under the provisions of the Kansas uniform consumer credit code of tangible personal property which has been repossessed by any such entity; and (2) any sale of tangible personal property made by an auctioneer or agent on behalf of not more than two principals or households if such sale is nonrecurring and any such principal or household is not engaged at the time of such sale in the business of selling tangible personal property.

(r) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.

(1) Lease or rental does not include: (A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(B) a transfer or possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of \$100 or 1% of the total required payments; or

(C) providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subsection, an operator must do more than maintain, inspect or set-up the tangible personal property.

(2) Lease or rental does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. 7701(h)(1).

(3) This definition shall be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the internal revenue code, the uniform commercial code, K.S.A. 84-1-101 et seq. and amendments thereto, or other provisions of federal, state or local law.

(4) This definition will be applied only prospectively from the effective date of this act and will have no retroactive impact on existing leases or rentals.

(s) "Load and leave" means delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

(t) "Member state" means a state that has entered in the agreement, pursuant to provisions of article VIII of the agreement.

(u) “Model 1 seller” means a seller that has selected a CSP as its agent to perform all the seller’s sales and use tax functions, other than the seller’s obligation to remit tax on its own purchases.

(v) “Model 2 seller” means a seller that has selected a CAS to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

(w) “Model 3 seller” means a seller that has sales in at least five member states, has total annual sales revenue of at least \$500,000,000, has a proprietary system that calculates the amount of tax due each jurisdiction and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subsection a seller includes an affiliated group of sellers using the same proprietary system.

(x) “Municipal corporation” means any city incorporated under the laws of Kansas.

(y) “Nonprofit blood bank” means any nonprofit place, organization, institution or establishment that is operated wholly or in part for the purpose of obtaining, storing, processing, preparing for transfusing, furnishing, donating or distributing human blood or parts or fractions of single blood units or products derived from single blood units, whether or not any remuneration is paid therefor, or whether such procedures are done for direct therapeutic use or for storage for future use of such products.

(z) “Persons” means any individual, firm, copartnership, joint adventure, association, corporation, estate or trust, receiver or trustee, or any group or combination acting as a unit, and the plural as well as the singular number; and shall specifically mean any city or other political subdivision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

(aa) “Political subdivision” means any municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or which certifies a levy to a municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term also shall include any public building commission, housing, airport, port, metropolitan transit or similar authority established pursuant to law and the horsethief reservoir benefit district established pursuant to K.S.A. 82a-2201, and amendments thereto.

(bb) “Prescription” means an order, formula or recipe issued in any form of oral, written, electronic or other means of transmission by a duly licensed practitioner authorized by the laws of this state.

(cc) “Prewritten computer software” means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person’s modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software, except that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.

(dd) “Property which is consumed” means tangible personal property which is essential or necessary to and which is used in the actual process of and consumed, depleted or dissipated within one year in (1) the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, (2) the providing of services, (3) the irrigation of crops, for sale in the regular course of business, or (4) the storage or processing of grain by a public grain warehouse or other grain storage facility, and which is not reusable for such purpose. The following is a listing of tangible personal property, included by way of illustration but not of limitation, which qualifies as property which is consumed:

(A) Insecticides, herbicides, germicides, pesticides, fungicides, fumigants, antibiotics, biologicals, pharmaceuticals, vitamins and chemicals for use in commercial or agricultural

production, processing or storage of fruit, vegetables, feeds, seeds, grains, animals or animal products whether fed, injected, applied, combined with or otherwise used;

(B) electricity, gas and water; and

(C) petroleum products, lubricants, chemicals, solvents, reagents and catalysts.

(ee) "Purchase price" applies to the measure subject to use tax and has the same meaning as sales price.

(ff) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(gg) "Quasi-municipal corporation" means any county, township, school district, drainage district or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

(hh) "Registered under this agreement" means registration by a seller with the member states under the central registration system provided in article IV of the agreement.

(ii) "Retailer" means a seller regularly engaged in the business of selling, leasing or renting tangible personal property at retail or furnishing electrical energy, gas, water, services or entertainment, and selling only to the user or consumer and not for resale.

(jj) "Retail sale" or "sale at retail" means any sale, lease or rental for any purpose other than for resale, sublease or subrent.

(kk) "Sale" or "sales" means the exchange of tangible personal property, as well as the sale thereof for money, and every transaction, conditional or otherwise, for a consideration, constituting a sale, including the sale or furnishing of electrical energy, gas, water, services or entertainment taxable under the terms of this act and including, except as provided in the following provision, the sale of the use of tangible personal property by way of a lease, license to use or the rental thereof regardless of the method by which the title, possession or right to use the tangible personal property is transferred. The term "sale" or "sales" shall not mean the sale of the use of any tangible personal property used as a dwelling by way of a lease or rental thereof for a term of more than 28 consecutive days.

(ll) (1) "Sales or selling price" applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property and services, for which personal property or services are sold, leased or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

(A) The seller's cost of the property sold;

(B) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller and any other expense of the seller;

(C) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

(D) delivery charges; and

(E) installation charges.

(2) "Sales or selling price" includes consideration received by the seller from third parties if:

(A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(B) the seller has an obligation to pass the price reduction or discount through to the purchaser;

(C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(D) one of the following criteria is met:

(i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) the purchaser identifies to the seller that the purchaser is a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group; or

(iii) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

(3) "Sales or selling price" shall not include:

(A) Discounts, including cash, term or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

(B) interest, financing and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser;

(C) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;

(D) the amount equal to the allowance given for the trade-in of property, if separately stated on the invoice, billing or similar document given to the purchaser; and

(E) ~~commencing on July 1, 2006, and ending on June 30, 2009~~; cash rebates granted by a manufacturer to a purchaser or lessee of a new motor vehicle if paid directly to the retailer as a result of the original sale.

(mm) "Seller" means a person making sales, leases or rentals of personal property or services.

(nn) "Service" means those services described in and taxed under the provisions of K.S.A. 79-3603 and amendments thereto.

(oo) "Sourcing rules" means the rules set forth in K.S.A. 2008 Supp. 79-3670 through 79-3673, K.S.A. 12-191 and 12-191a, and amendments thereto, which shall apply to identify and determine the state and local taxing jurisdiction sales or use taxes to pay, or collect and remit on a particular retail sale.

(pp) "Tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam and prewritten computer software.

(qq) "Taxpayer" means any person obligated to account to the director for taxes collected under the terms of this act.

(rr) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco or any other item that contains tobacco.

(ss) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.

(tt) "Over-the-counter" drug means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The over-the-counter drug label includes: (1) A drug facts panel; or (2) a statement of the active ingredients with a list of those ingredients contained in the compound, substance or preparation. Over-the-counter drugs do not include grooming and hygiene products such as soaps, cleaning solutions, shampoo, toothpaste, antiperspirants and sun tan lotions and screens.

(uu) "Ancillary services" means services that are associated with or incidental to the provision of telecommunications services, including, but not limited to, detailed telecommunications billing, directory assistance, vertical service and voice mail services.

(vv) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.

(ww) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(xx) "Directory assistance" means an ancillary service of providing telephone number information or address information, or both.

(yy) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

(zz) "Voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(aaa) "Telecommunications service" means the electronic transmission, conveyance or routing of voice, data, audio, video or any other information or signals to a point, or between

or among points. The term telecommunications service includes such transmission, conveyance or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmissions, conveyance or routing without regard to whether such service is referred to as voice over Internet protocol services or is classified by the federal communications commission as enhanced or value added. Telecommunications service does not include:

(1) Data processing and information services that allow data to be generated, acquired, stored, processed or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

(2) installation or maintenance of wiring or equipment on a customer's premises;

(3) tangible personal property;

(4) advertising, including, but not limited to, directory advertising;

(5) billing and collection services provided to third parties;

(6) internet access service;

(7) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;

(8) ancillary services; or

(9) digital products delivered electronically, including, but not limited to, software, music, video, reading materials or ring tones.

(bbb) "800 service" means an inbound toll telecommunications service that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name 800, 855, 866, 877 and 888 toll-free calling, and any subsequent numbers designated by the federal communications commission.

(ccc) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. 900 service does not include the charge for collection services provided by the seller of the telecommunications services to the subscriber, or service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name 900 service, and any subsequent numbers designated by the federal communications commission.

(ddd) "Value-added non-voice data service" means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code or protocol of the information or data primarily for a purpose other than transmission, conveyance or routing.

(eee) "International" means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. United States includes the District of Columbia or a U.S. territory or possession.

(fff) "Interstate" means a telecommunications service that originates in one United States state, or a United States territory or possession, and terminates in a different United States state or a United States territory or possession.

(ggg) "Intrastate" means a telecommunications service that originates in one United States state or a United States territory or possession, and terminates in the same United States state or a United States territory or possession.";

On page 34, in line 10, by striking "and" the second time it appears; in line 13, after the semicolon, by inserting "and"; after line 13, by inserting the following:

"(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;"

On page 50, in line 41, by striking "and" the second time it appears; in line 43, after "hunting" by inserting the following: "; and

(gggg) 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”;

By striking all on pages 51 through 84;

On page 85, by striking all in lines 1 through 42, and by inserting the following:

“New Sec. 4. If the decedent was a resident of Kansas, the value of an interest in a legal entity that is not publicly traded, including, but not limited to, a partnership, corporation, limited liability company or limited liability partnership, which at the time of the decedent’s death owns land that is located in Kansas and treated as land devoted to agricultural use for purposes of K.S.A. 79-1476, and amendments thereto, shall be determined by valuing the land at its most recent valuation pursuant to K.S.A. 79-1476, and amendments thereto. The provisions of this section shall apply to the estates of all decedents dying after December 31, 2006, but before January 1, 2010. The provisions of this section shall be part of and supplemental to the Kansas estate tax act.

Sec. 5. K.S.A. 2008 Supp. 79-15,253 is hereby amended to read as follows: 79-15,253. On January 1, 2010, the provisions of K.S.A. 2008 Supp. 79-15,201 through 79-15,253, and section 4, and amendments thereto, are hereby repealed.

Sec. 6. K.S.A. 2008 Supp. 79-3230 is hereby amended to read as follows: 79-3230. (a) The amount of income taxes imposed by this act shall be assessed within three years after the original return was filed, the tax as shown to be due on the return was paid or within one year after an amended return is filed, whichever is the later date, and no proceedings in court for the collection of such taxes shall be begun after the expiration of such period. For purposes of this act any return filed before the 15th day of the fourth month following the close of the taxable year shall be considered as being filed on the 15th day of the fourth month following the close of the taxable year, and any tax shown to be due on the return and paid before the 15th day of the fourth month following the close of the taxable year

shall be deemed to have been paid on the 15th day of the fourth month following the close of the taxable year.

(b) 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.

(c) No claim shall be allowed for credit or refund of overpayment of any tax imposed by this act unless filed by the taxpayer within three years from the date the original return was filed *due, including any extension allowed pursuant to law*, or two years from the date the tax claimed to be refunded or against which the credit is claimed was paid, whichever of such periods expires later; or if no return was filed by the taxpayer, within two years from the date the tax claimed to be refunded or against which the credit is claimed was paid. ~~Where the assessment of any income tax imposed by this act has been made within the period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court, but only if begun within one year after the period of limitation as defined in this act.~~

(d) In case a taxpayer has made claim for a refund, the taxpayer shall have the right to commence a suit for the recovery of the refund at the expiration of six months after the filing of the claim for refund, if no action has been taken by the director of taxation.

(e) Before the expiration of time prescribed in this section for the assessment of additional tax or the filing of a claim for a refund, the director of taxation is authorized to enter into an agreement in writing with the taxpayer consenting to the extension of the periods of limitations as defined in this act 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. A copy of all such agreements and extensions thereof shall be filed with the director of taxation within 30 days after their execution.

(f) Any taxpayer whose income has been adjusted by the federal internal revenue service or by the income tax collection agency of another state is required to report such adjustments to the Kansas department of revenue by mail within 180 days of the date the federal or other state adjustments are paid, agreed to or become final, whichever is earlier. Such adjustments shall be reported by filing an amended return for the applicable taxable year and a copy of the federal or state revenue agent's report detailing such adjustments. In the event such taxpayer is a corporation, such report shall be by certified or registered mail.

Notwithstanding the provisions of subsection (a) or (c) of this section, additional income taxes may be assessed and proceedings in court for collection of such taxes may be commenced and any refund or credit may be allowed by the director of taxation within 180 days following receipt of any such report of adjustments by the Kansas department of revenue, or within two years from the date the tax claimed to be refunded or, against which the credit is claimed was paid, whichever period expires later. No assessment shall be made nor any refund or credit shall be allowable under the provisions of this ~~paragraph~~ subsection except to the extent the same is attributable to changes in the taxpayer's income due to adjustments indicated by such report. *Failure by the taxpayer to comply with the provisions of this subsection shall not bar the Kansas department of revenue from assessing additional taxes or proceeding in court to collect such taxes.*

~~(g) In the event of failure to comply with the provisions of this section, the statute of limitations shall be tolled. Failure by the taxpayer to comply with the requirements for filing returns shall toll the periods of limitation for the Kansas department of revenue to assess or collect taxes.~~

Sec. 7. K.S.A. 2008 Supp. 79-4502 is hereby amended to read as follows: 79-4502. As used in this act, unless the context clearly indicates otherwise:

(a) "Income" means the sum of adjusted gross income under the Kansas income tax act, maintenance, support money, cash public assistance and relief, not including any refund granted under this act, the gross amount of any pension or annuity, including all monetary retirement benefits from whatever source derived, including but not limited to, all payments received under the railroad retirement act, except disability payments, payments received under the federal social security act, except that for determination of what constitutes income such amount shall not exceed 50% of any such social security payments and shall not include any social security payments to a claimant who prior to attaining full retirement age

had been receiving disability payments under the federal social security act in an amount not to exceed the amount of such disability payments or 50% of any such social security payments, whichever is greater, all dividends and interest from whatever source derived not included in adjusted gross income, workers compensation and the gross amount of "loss of time" insurance. Income does not include gifts from nongovernmental sources or surplus food or other relief in kind supplied by a governmental agency, nor shall net operating losses and net capital losses be considered in the determination of income. Income does not include veterans disability pensions. Income does not include disability payments received under the federal social security act.

(b) "Household" means a claimant, a claimant and spouse who occupy the homestead or a claimant and one or more individuals not related as husband and wife who together occupy a homestead.

(c) "Household income" means all income received by all persons of a household in a calendar year while members of such household.

(d) "Homestead" means the dwelling, or any part thereof, whether owned or rented, which is occupied as a residence by the household and so much of the land surrounding it, as defined as a home site for ad valorem tax purposes, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built or a manufactured home or mobile home and the land upon which it is situated. "Owned" includes a vendee in possession under a land contract, a life tenant, a beneficiary under a trust and one or more joint tenants or tenants in common.

(e) "Claimant" means a person who has filed a claim under the provisions of this act and was, during the entire calendar year preceding the year in which such claim was filed for refund under this act, except as provided in K.S.A. 79-4503, and amendments thereto, both domiciled in this state and was: (1) A person having a disability; (2) a person who is 55 years of age or older ~~or (3);~~ (3) a disabled veteran; (4) the surviving spouse of active duty military personnel who died in the line of duty; or (5) a person other than a person included under (1) ~~or~~, (2), (3) or (4) having one or more dependent children under 18 years of age residing at the person's homestead during the calendar year immediately preceding the year in which a claim is filed under this act. *The surviving spouse of a disabled veteran who was receiving benefits pursuant to subsection (e)(3) of this section at the time of the veterans' death, shall be eligible to continue to receive benefits until such time the surviving spouse remarries.*

When a homestead is occupied by two or more individuals and more than one of the individuals is able to qualify as a claimant, the individuals may determine between them as to whom the claimant will be. If they are unable to agree, the matter shall be referred to the secretary of revenue whose decision shall be final.

(f) "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on a claimant's homestead in 1979 or any calendar year thereafter by the state of Kansas and the political and taxing subdivisions of the state. When a homestead is owned by two or more persons or entities as joint tenants or tenants in common and one or more of the persons or entities is not a member of claimant's household, "property taxes accrued" is that part of property taxes levied on the homestead that reflects the ownership percentage of the claimant's household. For purposes of this act, property taxes are "levied" when the tax roll is delivered to the local treasurer with the treasurer's warrant for collection. When a claimant and household own their homestead part of a calendar year, "property taxes accrued" means only taxes levied on the homestead when both owned and occupied as a homestead by the claimant's household at the time of the levy, multiplied by the percentage of 12 months that the property was owned and occupied by the household as its homestead in the year. When a household owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of the taxes allocable to those several properties while occupied by the household as its homestead during the year. Whenever a homestead is an integral part of a larger unit such as a multi-purpose or multi-dwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For the purpose of this act, the word "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

(g) "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.

(h) "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.

(i) "Rent constituting property taxes accrued" means 15% of the gross rent actually paid in cash or its equivalent in 2007 or any taxable year thereafter by a claimant and claimant's household solely for the right of occupancy of a Kansas homestead on which ad valorem property taxes were levied in full for that year. When a household occupies two or more different homesteads in the same calendar year, rent constituting property taxes accrued shall be computed by adding the rent constituting property taxes accrued for each property rented by the household while occupied by the household as its homestead during the year.

(j) "Gross rent" means the rental paid at arm's length solely for the right of occupancy of a homestead or space rental paid to a landlord for the parking of a mobile home, exclusive of charges for any utilities, services, furniture and furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. Whenever the director of taxation finds that the landlord and tenant have not dealt with each other at arms length and that the gross rent charge was excessive, the director may adjust the gross rent to a reasonable amount for the purposes of the claim.

(k) *"Disabled veteran" means a person who is a resident of Kansas and has been honorably discharged from active service in any branch of the armed forces of the United States or Kansas national guard and who has been certified by the United States department of veterans affairs or its successor to have a 50% permanent disability sustained through military action or accident or resulting from disease contracted while in such active service."*;

And by renumbering the remaining sections accordingly;

Also on page 85, in line 43, by striking all after "Supp." and by inserting "79-15,253, 79-3230, 79-3602, as amended by section 1 of 2009 House Bill No. 2321, 79-3603, 79-3606 and 79-4502";

On page 1, in the title, in line 10, by striking "sales" the first time it appears; in line 11, after "exemptions" by inserting "; valuation of land devoted to agricultural use for estate tax purposes; periods of limitation for income tax refunds and adjustments of income; homestead property tax refunds;"; in line 12, by striking "79-3602, 79-3603 and 79-3606" and inserting "79-15,253, 79-3230, 79-3602, as amended by section 1 of 2009 House Bill No. 2321, 79-3603, 79-3606 and 79-4502";

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

LES DONOVAN
DEREK SCHMIDT
G. TOM HOLLAND
Conferees on part of Senate

RICHARD CARLSON
JEFF KING
Conferees on part of House

On motion of Rep. Carlson, the conference committee report on **HB 2172** was adopted. On roll call, the vote was: Yeas 86; Nays 39; Present but not voting: 0; Absent or not voting: 0.

Yeas: Bethell, Bowers, A. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Crum, Dillmore, Faber, Feuerborn, Finney, Fund, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, 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, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rardin, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Svaty, Swenson, Talia, Trimmer, Vickrey, Watkins, Wetta, Williams, B. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Benlon, Brookens, T. Brown, Burroughs, Craft, Crow, Davis, DeGraaf, Donohoe, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Henderson, Henry, Huntington, Kuether, Lane, Loganbill, Mah, Menghini, Neighbor, Peterson, Quigley, Roth, Ruiz, Sawyer, Sloan, Spalding, Swanson, Tafaneli, Tietze, Ward, Whitham, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: None.

EXPLANATION OF VOTE

MR. SPEAKER: I support all the provisions of **HB 2172** with the exception of the hunting and fishing excursion exemption. Creating an exemption like this when we are slashing education, social services and public safety funding is bad policy. I vote no on **HB 2172**.—
PAUL DAVIS

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hayzlett, the House nonconcurrent in Senate amendments to **HB 2130** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Vickrey and Long as conferees on the part of the House.

REPORT OF STANDING COMMITTEE

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

Request No. 79, by Representative Mast, commending Lougene Marsh for her extraordinary contribution to serving the health care needs of the Emporia area;

Request No. 80, by Representative Carlson, commending James Amos Manning on achieving the rank of Eagle Scout;

Request No. 81, by Representative Gordon, congratulating Mr. and Mrs. Clayton Cochran on their 60th Wedding Anniversary;

Request No. 82, by Representative Aurand, congratulating Harold Flavin on his 80th Birthday;

Request No. 83, by Representative Aurand, congratulating Harold and Leona Flavin on their 50th Wedding Anniversary;

Request No. 84, by Representative Gatewood, congratulating Billy Joe and Leona May Hesse on their 60th wedding anniversary;

Request No. 85, by Representative Jack, congratulating Loren and Vera Shaw on their 70th wedding anniversary;

Request No. 86, by Representative Kiegerl, commending Carol Lehman on her outstanding and dedicated service as mayor of the city of Gardner;

Request No. 87, by Representatives Henry and Tafaneli, commending Andrew Becker on attaining the rank of Eagle Scout;

Request No. 88, by Representatives Henry and Tafaneli, commending Dylan Klawuhn on attaining the rank of Eagle Scout;

Request No. 89, by Representatives Henry and Tafaneli, commending Cooper Smith on attaining the rank of Eagle Scout;

Request No. 90, by Representative Lane, congratulating the Highland Park High School Boys Basketball Team and coaches on winning the 5A Kansas State Championship for three consecutive years;

Request No. 91, by Representative Schwartz, congratulating Hanover Wildcat Basketball Team on winning 1A Kansas State Championship with a perfect season;

Request No. 92, by Representatives Powell and Faber, congratulating Norma and Claire Rumford on their 50th Wedding Anniversary;

Request No. 93, by Representative Palmer, congratulating Helen Trotter on her 100th birthday;

Request No. 94, by Representative Lukert, congratulating Russell Swanson on his 100th birthday;

Request No. 95, by Representative Lukert, congratulating Ernie and Esther Lukert on their 70th wedding anniversary;

Request No. 96, by Representative Shultz, commending Michael Scanga for 35 years of community service, donating children's bicycles to charitable organizations;

Request No. 97, by Representative Gordon, congratulating Jack Hankammer on his 84th birthday;

Request No. 98, by Representative Merrick, congratulating Athena Lan, Jo Jo Fan, Alson Huang and Laurie Ma on graduating from Fort Hays State University's international studies program at Zhengzhou University Sias International College;

Request No. 99, by Representative Bowers, congratulating Mallory Gilliland in recognition of winning the title of Kansas' Junior Miss 2009.

Request No. 100, by Representative Kiegerl, congratulating Viola Bigelow McConnell on her 90th birthday;

Request No. 101, by Representatives Bethell and Henry, congratulating Monica Schoeneck in recognition of being the oldest working Kansan at 105 years of age;

Request No. 102, by Representative Bowers, congratulating the Concordia High School Girls Basketball team and coaches for winning the 2009 Girls 4A Kansas State Basketball Championship;

Request No. 103, by Representative McCray-Miller, congratulating the Wichita Heights High School Boys Basketball Team in recognition of winning the 2009 boys 6A Kansas state basketball championship;

Request No. 104, by Representative Peck, Jr., congratulating Jerry and Jan Whittenburg on their 50th Wedding Anniversary;

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.

PERSONAL PRIVILEGE

Rep. Mah introduced her first grandchild, Madison Riley Mah. She was born December 20, 2008, and weighed 5 lbs. 1 oz.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2331**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 66**, 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 16, by inserting the following:

“New Section 1. (a) In addition to any other fees specifically prescribed by law, on and after July 1, 2009, through June 30, 2010, the supreme court may impose a charge, not to exceed \$10 per fee, to fund the costs of non-judicial personnel, on the following:

(1) A person who requests an order or writ of execution, pursuant to K.S.A. 60-2401, and amendments thereto.

(2) Persons who request a hearing in aid of execution or an alias order for hearing pursuant to K.S.A. 60-2419, and amendments thereto.

(3) A person requesting an order for garnishment pursuant to article 7 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, or article 35 of chapter 61 of the Kansas Statutes Annotated, and amendments thereto.

(4) Persons who request a writ or order of sale pursuant to K.S.A. 61-3602, and amendments thereto.

(5) A person who requests a hearing in aid of execution, pursuant to K.S.A. 61-3604, and amendments thereto.

(b) The clerk of the district court shall remit all revenues received from the fees imposed pursuant to subsection (a) 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 judicial branch surcharge fund.

(c) The fees established in this section shall be the only fee collected or moneys in the nature of a fee collected for such court procedures. 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.

Sec. 2. K.S.A. 2008 Supp. 8-2107 is hereby amended to read as follows: 8-2107. (a) (1) Notwithstanding any other provisions of the uniform act regulating traffic on highways, when a person is stopped by a police officer for any of the offenses described in subsection (d) and such person is not immediately taken before a judge of the district court, the police officer may require the person stopped, subject to the provisions of subsection (c), to deposit with the officer a valid Kansas driver's license in exchange for a receipt therefor issued by such police officer, the form of which shall be approved by the division of vehicles. Such receipt shall be recognized as a valid temporary Kansas driver's license authorizing the operation of a motor vehicle by the person stopped until the date of the hearing stated on the receipt. The driver's license and a written copy of the notice to appear shall be delivered by the police officer to the court having jurisdiction of the offense charged as soon as reasonably possible. If the hearing on such charge is continued for any reason, the judge may note on the receipt the date to which such hearing has been continued and such receipt shall be recognized as a valid temporary Kansas driver's license until such date, but in no event shall such receipt be recognized as a valid Kansas driver's license for a period longer than 30 days from the date set for the original hearing. Any person who has deposited a driver's license with a police officer under this subsection (a) shall have such license returned upon final determination of the charge against such person.

(2) In the event the person stopped deposits a valid Kansas driver's license with the police officer and fails to appear in the district court on the date set for appearance, or any con-

tinuance thereof, and in any event within 30 days from the date set for the original hearing, the court shall forward such person's driver's license to the division of vehicles with an appropriate explanation attached thereto. Upon receipt of such person's driver's license, the division shall suspend such person's privilege to operate a motor vehicle in this state until such person appears before the court having jurisdiction of the offense charged, the court makes a final disposition thereof and notice of such disposition is given by the court to the division. No new or replacement license shall be issued to any such person until such notice of disposition has been received by the division. The provisions of K.S.A. 8-256, and amendments thereto, limiting the suspension of a license to one year, shall not apply to suspensions for failure to appear as provided in this subsection (a).

(b) No person shall apply for a replacement or new driver's license prior to the return of such person's original license which has been deposited in lieu of bond under this section. Violation of this subsection (b) is a class C misdemeanor. The division may suspend such person's driver's license for a period of not to exceed one year from the date the division receives notice of the disposition of the person's charge as provided in subsection (a).

(c) (1) In lieu of depositing a valid Kansas driver's license with the stopping police officer as provided in subsection (a), the person stopped may elect to give bond in the amount specified in subsection (d) for the offense for which the person was stopped. When such person does not have a valid Kansas driver's license, such person shall give such bond. Such bond shall be subject to forfeiture if the person stopped does not appear at the court and at the time specified in the written notice provided for in K.S.A. 8-2106, and amendments thereto.

(2) Such bond may be a cash bond, a bank card draft from any valid and unexpired credit card approved by the division of vehicles or superintendent of the Kansas highway patrol or a guaranteed arrest bond certificate issued by either a surety company authorized to transact such business in this state or an automobile club authorized to transact business in this state by the commissioner of insurance. If any of the approved bank card issuers redeem the bank card draft at a discounted rate, such discount shall be charged against the amount designated as the fine for the offense. If such bond is not forfeited, the amount of the bond less the discount rate shall be reimbursed to the person providing the bond by the use of a bank card draft. Any such guaranteed arrest bond certificate shall be signed by the person to whom it is issued and shall contain a printed statement that such surety company or automobile club guarantees the appearance of such person and will, in the event of failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person not to exceed an amount to be stated on such certificate.

(3) Such cash bond shall be taken in the following manner: The police officer shall furnish the person stopped a stamped envelope addressed to the judge or clerk of the court named in the written notice to appear and the person shall place in such envelope the amount of the bond, and in the presence of the police officer shall deposit the same in the United States mail. After such cash payment, the person stopped need not sign the written notice to appear, but the police officer shall note the amount of the bond mailed on the notice to appear form and shall give a copy of such form to the person. If the person stopped furnishes the police officer with a guaranteed arrest bond certificate or bank card draft, the police officer shall give such person a receipt therefor and shall note the amount of the bond on the notice to appear form and give a copy of such form to the person stopped. Such person need not sign the written notice to appear, and the police officer shall present the notice to appear and the guaranteed arrest bond certificate or bank card draft to the court having jurisdiction of the offense charged as soon as reasonably possible.

(d) The offenses for which appearance bonds may be required as provided in subsection (c) and the amounts thereof shall be as follows:

On and after July 1, 1996:

Reckless driving	\$82
Driving when privilege is canceled, suspended or revoked	82
Failure to comply with lawful order of officer	57
Registration violation (registered for 12,000 pounds or less)	52
Registration violation (registered for more than 12,000 pounds)	92

No driver's license for the class of vehicle operated or violation of restrictions 52
 Spilling load on highway 52
 Transporting open container of alcoholic liquor or cereal malt beverage accessible
 while vehicle in motion 223

(e) In the event of forfeiture of any bond under this section, \$75 of the amount forfeited shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(f) None of the provisions of this section shall be construed to conflict with the provisions of the nonresident violator compact.

(g) When a person is stopped by a police officer for any traffic infraction and the person is a resident of a state which is not a member of the nonresident violator compact, K.S.A. 8-1219 et seq., and amendments thereto, or the person is licensed to drive under the laws of a foreign country, the police officer may require a bond as provided for under subsection (c). The bond shall be in the amount specified in the uniform fine schedule in subsection (c) of K.S.A. 8-2118, and amendments thereto, plus \$75 which shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(h) When a person is stopped by a police officer for failure to provide proof of financial security pursuant to K.S.A. 40-3104, and amendments thereto, and the person is a resident of another state or the person is licensed to drive under the laws of a foreign country, the police officer may require a bond as provided for under subsection (c). The bond shall be in the amount of \$75, plus \$75 which shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

~~(i) The docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.~~

Sec. 3. K.S.A. 2008 Supp. 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to (1) appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges. The district or municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the district or municipal court shall electronically notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. When the court determines the person has complied with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension or suspension action.

(c) Except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b),

the court shall assess a reinstatement fee of \$59 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued. Such reinstatement fee shall be in addition to any fine, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit 42.37% of such moneys to the division of vehicles operating fund, 31.78% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 10.59% to the juvenile detention facilities fund created by K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2008 Supp. 20-1a15, and amendments thereto.

(d) The district court or municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the state of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

~~(e) The reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. 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. Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per reinstatement fee, to fund the costs of non-judicial personnel.~~

Sec. 4. K.S.A. 20-362 is hereby amended to read as follows: 20-362. The clerk of the district court shall remit all revenues received from docket fees as follows:

(a) At least monthly to the county treasurer, for deposit in the county treasury and credit to the county general fund:

(1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A. 60-2001 and 60-3005, and amendments thereto, during the preceding calendar month;

(2) a sum equal to \$10 for each \$46 or \$76 docket fee paid pursuant to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and amendments thereto; and

(3) a sum equal to \$5 for each \$26 docket fee paid pursuant to K.S.A. 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding calendar month.

(b) At least monthly to the board of trustees of the county law library fund, for deposit in the fund, a sum equal to the library fees paid during the preceding calendar month for cases filed in the county.

(c) At least monthly to the county treasurer, for deposit in the county treasury and credit to the prosecuting attorneys' training fund, a sum equal to ~~¢~~ \$2 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month for cases filed in the county and a sum equal to \$1 for each fee paid pursuant to subsection (c) of K.S.A. 28-170, and amendments thereto, during the preceding calendar month for cases filed in the county.

(d) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the indigents' defense

services fund, a sum equal to \$.50 for each docket fee paid pursuant to K.S.A. 28-172a and subsection (d) of K.S.A. 28-170, and amendments thereto, during the preceding calendar month.

(e) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the law enforcement training center fund a sum equal to \$15 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month.

(f) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the judicial branch surcharge fund a sum equal to the amount collected for credit to that fund, as provided by supreme court rule.

~~(f)~~ (g) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and distribution according to K.S.A. 20-367, and amendments thereto, a sum equal to the balance which remains from all docket fees paid during the preceding calendar month after deduction of the amounts specified in subsections (a), (b), (c), (d) ~~and (e)~~, (e) and (f).

Sec. 5. K.S.A. 20-2207 is hereby amended to read as follows: 20-2207. (a) The judicial council may fix, charge and collect fees for sale and distribution of legal publications in order to recover direct and indirect costs incurred for preparation, publication and distribution of legal publications. The judicial council may request and accept gifts, grants and donations from any person, firm, association or corporation or from the federal government or any agency thereof for preparation, publication or distribution of legal publications.

(b) The publications fee fund of the judicial council which was established in the state treasury pursuant to appropriation acts is hereby continued in existence and shall be administered by the judicial council. Revenue from the following sources shall be deposited in the state treasury and credited to such fund:

(1) All moneys received by or for the judicial council from fees collected under this section; and

(2) all moneys received as gifts, grants or donations for preparation, publication or distribution of legal publications.

(c) Moneys deposited in the publications fee fund of the judicial council may be expended for operating expenditures related to preparation, publication and distribution of legal publications of the judicial council and for operating expenses that are not related to publication activities, *including expenditures to fund the Kansas criminal code recodification commission on July 1, 2009, through June 30, 2010.*

(d) All expenditures from the publications 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 chairperson of the judicial council or the chairperson's designee.

Sec. 6. K.S.A. 20-2208 is hereby amended to read as follows: 20-2208. There is hereby established in the state treasury the judicial council fund. All expenditures from the judicial council fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the chairperson of the Kansas judicial council or by a person or persons designated by the chairperson of the Kansas judicial council. *Expenditures from the judicial council fund may be made to fund the Kansas criminal code recodification commission on July 1, 2009, through June 30, 2010.*

Sec. 7. K.S.A. 2008 Supp. 20-3002 is hereby amended to read as follows: 20-3002. (a) On and after January 1, 2008, through December 31, ~~2009~~ 2010, the court of appeals shall consist of 13 judges whose positions shall be numbered one to 13. On and after January 1, ~~2010~~ 2011, the court of appeals shall consist of 14 judges whose positions shall be numbered one to 14. Judges of the court of appeals shall possess the qualifications prescribed by law for justices of the supreme court.

(b) Judges of the court of appeals shall be selected in the manner provided by K.S.A. 20-3003 through 20-3010, and amendments thereto. Each judge of the court of appeals shall receive an annual salary in the amount prescribed by law. No judge of the court of appeals may receive additional compensation for official services performed by the judge. Each such judge shall be reimbursed for expenses incurred in the performance of such judge's official

duties in the same manner and to the same extent justices of the supreme court are reimbursed for such expenses.

(c) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.

(d) Any additional court of appeals judge position created by this section shall be considered a position created by the supreme court and not a civil appointment to a state office pursuant to K.S.A. 46-234, and amendments thereto.

Sec. 8. K.S.A. 2008 Supp. 20-3202 is hereby amended to read as follows: 20-3202. (a) The commission shall consist of thirteen members appointed by the judicial council. The council shall appoint commission members of outstanding competence and reputation. Six members of the commission shall be non-lawyers and six members of the commission shall be lawyers, justices or judges. The judicial council shall appoint the chair of the commission, who shall be a lawyer, justice or judge. At least one non-lawyer commission member and at least one lawyer, justice or judge commission member shall reside in each congressional district. The rules of the commission shall provide that the terms of the commission members are staggered.

(b) For the purposes of K.S.A. 20-3201 through 20-3207, and amendments thereto, the commission shall not be subject to the Kansas open meetings act as provided in K.S.A. 75-4317 et seq., and amendments thereto.

(c) As used in K.S.A. 20-3201 through 20-3207, and amendments thereto:

(1) "Lawyer" means an attorney registered as active pursuant to supreme court rule.

(2) "Judge" means: a current or retired Kansas judge of the district court; *and* a current or retired judge of the Kansas court of appeals; ~~and a retirant serving as a judge under written agreement with the Kansas supreme court pursuant to K.S.A. 20-2622, and amendments thereto.~~

(3) "Justice" means a current or retired justice of the Kansas supreme court.

Sec. 9. K.S.A. 2008 Supp. 20-3205 is hereby amended to read as follows: 20-3205. (a) The surveys of court users, survey results and judicial performance evaluation results are confidential and shall not be disclosed except as provided in subsection (d) or in accordance with the rules of the commission or the Kansas supreme court.

(b) Any statute or rule that restricts public access to certain types of court records or certain types of information contained in court records shall not prohibit the commission or agents of the commission from having access to the names and addresses of appropriate persons named in such records and other information necessary for the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto. No confidential information found in such court records shall be revealed to any other person by the commission or agents of the commission.

(c) The evaluation of judges subject to political elections shall be used solely for self-improvement. A judge subject to political elections shall not reveal data from any portion of the survey or the results of the survey.

~~(d) Judicial performance evaluation results of a retirant serving as a judge under written agreement with the Kansas supreme court pursuant to K.S.A. 20-2622, and amendments thereto, shall be public and shall be used by the Kansas supreme court for the determination of a continuing agreement pursuant to K.S.A. 20-2622, and amendments thereto.~~

Sec. 10. K.S.A. 20-3207 is hereby amended to read as follows: 20-3207. On and after July 1, 2006, there is hereby established in the state treasury the judicial performance fund. All moneys credited to the fund shall be used for the judicial performance evaluation process, *except on July 1, 2009, through June 30, 2010, moneys credited to the fund may be used to fund the Kansas criminal code recodification commission.* All expenditures from the judicial performance fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the chairperson of the Kansas judicial council or by the person or persons designated by the chairperson of the Kansas judicial council.

Sec. 11. K.S.A. 2008 Supp. 21-4619 is hereby amended to read as follows: 21-4619. (a)

(1) Except as provided in subsections (b) and (c), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6

through 10 or any felony ranked in severity level 4 of the drug grid, may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b) and (c), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Except as provided in subsection (c), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, or:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(c) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses: (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) or (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 in K.S.A. 21-3510, and amendments thereto; (7) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511, and amendments thereto; (8) sexual exploitation of a child as defined in K.S.A. 21-3516, and amendments thereto; (9) aggravated incest as defined in K.S.A. 21-3603, and amendments thereto; (10) endangering a child as defined in K.S.A. 21-3608, and amendments thereto; (11) *aggravated endangering a child as defined in K.S.A. 21-3608a, and amendments thereto*; (12) abuse of a child as defined in K.S.A. 21-3609, and amendments thereto; ~~(12)~~ (13) capital murder as defined in K.S.A. 21-3439, and amendments thereto; ~~(13)~~ (14) murder in the first degree as defined in K.S.A. 21-3401, and amendments thereto; ~~(14)~~ (15) murder in the second degree as defined in K.S.A. 21-3402, and amendments thereto; ~~(15)~~ (16) voluntary manslaughter as defined in K.S.A. 21-3403, and amendments thereto; ~~(16)~~ (17) involuntary manslaughter as defined in K.S.A. 21-3404, and amendments thereto; ~~(17)~~ (18) involuntary manslaughter while driving under the influence of alcohol or drugs as defined in K.S.A. 21-3442, and amendments thereto; ~~(18)~~ (19) sexual battery as defined in K.S.A. 21-3517, and amendments thereto, when the victim was

less than 18 years of age at the time the crime was committed; ~~(19)~~ (20) aggravated sexual battery as defined in K.S.A. 21-3518, and amendments thereto; ~~(20)~~ (21) a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation; ~~(21)~~ (22) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or ~~(22)~~ (23) any conviction for any offense in effect at any time prior to the effective date of this act, that is comparable to any offense as provided in this subsection.

(d) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state: (1) The defendant's full name;

(2) the full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(3) the defendant's sex, race and date of birth;

(4) the crime for which the defendant was arrested, convicted or diverted;

(5) the date of the defendant's arrest, conviction or diversion; and

(6) the identity of the convicting court, arresting law enforcement authority or diverting authority. *Except as provided further*, there shall be no docket fee for filing a petition pursuant to this section. *On and after July 1, 2009 through June 30, 2010, the supreme court may impose a charge, not to exceed \$10 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.* All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.

(e) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(f) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2008 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(B) In any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2008 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(g) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(h) Subject to the disclosures required pursuant to subsection (f), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.

(i) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined

in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto; or

(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act.

Sec. 12. K.S.A. 22-2410 is hereby amended to read as follows: 22-2410. (a) Any person who has been arrested in this state may petition the district court for the expungement of such arrest record.

(b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the

order. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. *Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.* The petition shall state:

- (1) The petitioner's full name;
- (2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
- (3) the petitioner's sex, race and date of birth;
- (4) the crime for which the petitioner was arrested;
- (5) the date of the petitioner's arrest; and
- (6) the identity of the arresting law enforcement agency.

No surcharge or fee shall be imposed to any person filing a petition pursuant to this section, who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, and amendments thereto. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;

- (2) a court has found that there was no probable cause for the arrest;
- (3) the petitioner was found not guilty in court proceedings; or
- (4) the expungement would be in the best interests of justice and (A) charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interests of public welfare, the records should be available for any of the following purposes: (1) In any application for employment as a detective with a private detective agency, as defined in K.S.A. 75-7b01 and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01 and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the department of social and rehabilitation services;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(5) in any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142 and amendments thereto;

(6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

(f) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

(g) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

(h) The docket fee collected at the time the petition for expungement is filed shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

Sec. 13. K.S.A. 2008 Supp. 23-108a is hereby amended to read as follows: 23-108a. (a) The judge or clerk of the district court shall collect from the applicant for a marriage license a fee of \$59.

(b) The clerk of the court shall remit all fees prescribed by 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 remittance, the state treasurer shall credit 38.98% to the protection from abuse fund, 15.19% to the family and children trust account of the family and children investment fund created by K.S.A. 38-1808, and amendments thereto, 16.95% to the crime victims assistance fund created by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2008 Supp. 20-1a15, and amendments thereto, and the remainder to the state general fund.

~~(c) The marriage license fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for a marriage license. 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. Except as provided further, the marriage license fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for a marriage license. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per marriage license fee, to fund the costs of non-judicial personnel.~~

Sec. 14. K.S.A. 2008 Supp. 28-170 is hereby amended to read as follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001 and amendments thereto and the fees for service of process, shall be the only costs assessed for services of the clerk of the district court and the sheriff in any case filed under chapter 60 or chapter 61 of the Kansas Statutes Annotated, and amendments thereto, except that no fee shall be charged for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-31a01 et seq., and amendments thereto. For services in other matters in which no other fee is prescribed by statute, the following fees shall be charged and collected by the clerk. Only one fee shall be charged for each bond, lien or judgment:

1. For filing, entering and releasing a bond, mechanic's lien, notice of intent to perform, personal property tax judgment or any judgment on which execution process cannot be issued \$14
2. For filing, entering and releasing a judgment of a court of this state on which execution or other process can be issued \$24
3. For a certificate, or for copying or certifying any paper or writ, such fee as shall be prescribed by the district court.

(b) The fees for entries, certificates and other papers required in naturalization cases shall be those prescribed by the federal government and, when collected, shall be disbursed as prescribed by the federal government. The clerk of the court shall remit to the state treasurer at least monthly all moneys received from fees prescribed by subsection (a) or (b) or received for any services performed which may be required by law. The state treasurer shall deposit the remittance in the state treasury and credit the entire amount to the state general fund.

(c) In actions pursuant to the revised Kansas code for care of children (K.S.A. 2008 Supp. 38-2201 et seq. and amendments thereto), the revised Kansas juvenile justice code (K.S.A. 2008 Supp. 38-2301 et seq. and amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001 et seq. and amendments thereto), the act for treatment of drug abuse (K.S.A. 65-5201 et seq. and amendments thereto) or the care and treatment act for mentally ill persons (K.S.A. 59-2945 et seq. and amendments thereto), the clerk shall charge an additional fee of \$1 which shall be deducted from the docket fee and credited to the prosecuting attorneys' training fund as provided in K.S.A. 28-170a and amendments thereto.

(d) In actions pursuant to the revised Kansas code for care of children (K.S.A. 2008 Supp. 38-2201 et seq. and amendments thereto), the revised Kansas juvenile justice code (K.S.A. 2008 Supp. 38-2301 et seq. and amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001 et seq. and amendments thereto), the act for treatment of drug abuse (K.S.A. 65-5201 et seq. and amendments thereto) or the care and treatment act for mentally ill persons (K.S.A. 59-2945 et seq. and amendments thereto), the clerk shall charge an additional fee of \$.50 which shall be deducted from the docket fee and credited to the indigents' defense services fund as provided in K.S.A. 28-172b and amendments thereto.

(e) ~~The bond, lien or judgment fee established in subsection (a) shall be the only fee collected or moneys in the nature of a fee collected for such bond, lien or judgment. 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. Except as provided further, the bond, lien or judgment fee established in subsection (a) shall be the only fee collected or moneys in the nature of a fee collected for such bond, lien or judgment. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per bond, lien or judgment fee, to fund the costs of non-judicial personnel.~~

Sec. 15. K.S.A. 2008 Supp. 28-172a is hereby amended to read as follows: 28-172a. (a) Except as otherwise provided in this section, whenever the prosecuting witness or defendant is adjudged to pay the costs in a criminal proceeding in any county, a docket fee shall be taxed as follows:

(1) On and after July 1, 2008 through June 30, 2010:

Murder or manslaughter.....	\$181.50 \$182.50
Other felony.....	172.00 173.00
Misdemeanor.....	137.00 138.00
Forfeited recognizance	73.50 74.50
Appeals from other courts.....	73.50 74.50

(2) On and after July 1, 2010:

Murder or manslaughter.....	\$179.50 \$180.50
Other felony.....	170.00 171.00
Misdemeanor.....	135.00 136.00
Forfeited recognizance	71.50 72.50
Appeals from other courts.....	71.50 72.50

(b) (1) Except as provided in paragraph (2), in actions involving the violation of any of the laws of this state regulating traffic on highways (including those listed in subsection (c) of K.S.A. 8-2118, and amendments thereto), a cigarette or tobacco infraction, any act declared a crime pursuant to the statutes contained in chapter 32 of Kansas Statutes Annotated and amendments thereto or any act declared a crime pursuant to the statutes contained in article 8 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, on and after July 1, 2008 through June 30, 2010, a docket fee of ~~\$75~~ \$76 shall be charged, and on and after July 1, 2010, a docket fee of ~~\$73~~ \$74 shall be charged. When an action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and amendments thereto, whether by mail or in person, on and after July 1, 2008 through June 30, 2010, the docket fee to be paid as court costs shall be ~~\$75~~ \$76, and on and after July 1, 2010, the docket fee to be paid as court costs shall be ~~\$73~~ \$74.

(2) In actions involving the violation of a moving traffic violation under K.S.A. 8-2118, and amendments thereto, as defined by rules and regulations adopted under K.S.A. 8-249, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, on and after July 1, 2008 through June 30, 2010, a docket fee of ~~\$75~~ \$76 shall be charged, and on and after July 1, 2010, a docket fee of ~~\$73~~ \$74 shall be charged. When an action is disposed of under subsection (a) and (b) of K.S.A. 8-2118, and amendments thereto, whether by mail or in person, on and after July 1, 2008 through June 30, 2010, the docket fee to be paid as court costs shall be ~~\$75~~ \$76, and on and after July 1, 2010, the docket fee to be paid as court costs shall be ~~\$73~~ \$74.

(c) If a conviction is on more than one count, the docket fee shall be the highest one applicable to any one of the counts. The prosecuting witness or defendant, if assessed the costs, shall pay only one fee. Multiple defendants shall each pay one fee.

(d) Statutory charges for law library funds, the law enforcement training center fund, the prosecuting attorneys' training fund, the juvenile detention facilities fund, the judicial branch education fund, the emergency medical services operating fund and the judiciary technology fund shall be paid from the docket fee; the family violence and child abuse and neglect assistance and prevention fund fee shall be paid from criminal proceedings docket fees. All other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Additional fees shall include, but are not limited to, fees for Kansas bureau of investigation forensic or laboratory analyses, fees for detention facility processing pursuant to K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault evidence collection kit, fees for conducting an examination of a sexual assault victim, fees for service of process outside the state, witness fees, fees for transcripts and depositions, costs from other courts, doctors' fees and examination and evaluation fees. No sheriff in this state shall charge any district court of this state a fee or mileage for serving any paper or process.

(e) In each case charging a violation of the laws relating to parking of motor vehicles on the statehouse grounds or other state-owned or operated property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and amendments thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs in the case, except that witness fees, mileage and expenses incurred in serving a warrant shall be in addition to the fee. Appearance bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amendments thereto, shall be \$3, unless a warrant is issued. The judge may order the bond forfeited upon the defendant's failure to appear, and \$2 of any bond so forfeited shall be regarded as court costs.

(f) ~~The docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee.~~ 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. *Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.*

Sec. 16. K.S.A. 2008 Supp. 28-177 is hereby amended to read as follows: 28-177. ~~The fees established by legislative enactment shall be the only fee collected or moneys in the nature of a fee collected for court procedures. 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. Court procedures shall include docket fees, filing fees or other fees related to access to court procedures.~~ *(a) Except as provided further, the fees established by legislative enactment shall be the only fee collected or moneys in the nature of a fee collected for court procedures. 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. Court procedures shall include docket fees, filing fees or other fees related to access to court procedures. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per fee, to fund the costs of non-judicial personnel.*

(b) *Any additional charge imposed by the court pursuant to section 1, K.S.A. 8-2107, 8-2110, 21-4619, 22-2410, 23-108a, 28-170, 28-172a, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and K.S.A. 2008 Supp. 38-2215 and 38-2314, and amendments thereto, 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 judicial branch surcharge fund, which is hereby created in the state treasury.*

(c) *All moneys credited to the judicial branch surcharge fund shall be used for compensation of non-judicial personnel and shall not be expended for compensation of judges or justices of the judicial branch.*

(d) *All expenditures from the judicial branch surcharge fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to payrolls approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.*

Sec. 17. K.S.A. 2008 Supp. 38-2215 is hereby amended to read as follows: 38-2215. (a) *Docket fee.* The docket fee for proceedings under this code, if one is assessed as provided in this section, shall be \$34. Only one docket fee shall be assessed in each case. *Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.*

(b) *Expenses.* The expenses for proceedings under this code, including fees and mileage allowed witnesses and fees and expenses approved by the court for appointed attorneys, shall be paid by the board of county commissioners from the general fund of the county.

(c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket fee may be assessed or waived by the court conducting the initial dispositional hearing and the docket fee may be assessed against the complaining witness or person initiating the proceedings or a party or interested party other than the state, a political subdivision of the state, an agency of the state or of a political subdivision of the state, or a person acting in the capacity of an employee of the state or of a political subdivision of the state. Any docket fee received shall be remitted to the state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

(2) *Expenses.* Expenses may be assessed against the complaining witness, a person initiating the proceedings, a party or an interested party, other than the state, a political subdivision of the state, an agency of the state or of a political subdivision of the state or a person acting in the capacity of an employee of the state or of a political subdivision of the state. When expenses are recovered from a person against whom they have been assessed the general fund of the county shall be reimbursed in the amount of the recovery. If it appears to the court in any proceedings under this code that expenses were unreasonably incurred at the request of any party the court may assess that portion of the expenses against the party.

(d) *Cases in which venue is transferred.* If venue is transferred from one county to another, the court from which the case is transferred shall send to the receiving court a statement of expenses paid from the general fund of the sending county. If the receiving court collects any of the expenses owed in the case, the receiving court shall pay to the sending court an amount proportional to the sending court's share of the total expenses owed to both counties. The expenses of the sending county shall not be an obligation of the receiving county except to the extent that the sending county's proportion of the expenses is collected by the receiving court. All amounts collected shall first be applied toward payment of the docket fee.

Sec. 18. K.S.A. 2008 Supp. 38-2314 is hereby amended to read as follows: 38-2314. (a) *Docket fee.* The docket fee for proceedings under this code, if one is assessed as provided by this section, shall be \$34. Only one docket fee shall be assessed in each case. *Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

(b) *Expenses.* The expenses for proceedings under this code, including fees and mileage allowed witnesses and fees and expenses approved by the court for appointed attorneys, shall be paid by the board of county commissioners from the general fund of the county.

(c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket fee may be assessed or waived by the court conducting the initial sentencing hearing and may be assessed against the juvenile or the parent of the juvenile. Any docket fee received shall be remitted to the state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

(2) *Expenses.* Expenses may be waived or assessed against the juvenile or a parent of the juvenile. When expenses are recovered from a party against whom they have been assessed the general fund of the county shall be reimbursed in the amount of the recovery.

(3) *Prohibited assessment.* Docket fees or expenses shall not be assessed against the state, a political subdivision of the state, an agency of the state or of a political subdivision of the state or a person acting in the capacity of an employee of the state or of a political subdivision of the state.

(d) *Cases in which venue is transferred.* If venue is transferred from one county to another, the court from which the case is transferred shall send to the receiving court a statement of expenses paid from the general fund of the sending county. If the receiving court collects any of the expenses owed in the case, the receiving court shall pay to the sending court an amount proportional to the sending court's share of the total expenses owed to both counties. The expenses of the sending county shall not be an obligation of the receiving county except to the extent that the sending county's proportionate share of the expenses is collected by the receiving court. Unless otherwise ordered by the court, all amounts collected shall first be applied toward payment of restitution, then toward the payment of the docket fee.

Sec. 19. K.S.A. 2008 Supp. 59-104 is hereby amended to read as follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law, no case shall be filed or docketed in the district court under the provisions of chapter 59 of the Kansas Statutes Annotated or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated without payment of an appropriate docket fee as follows:

(A) On and after July 1, 2008 through June 30, 2010:

Treatment of mentally ill	\$59.00
Treatment of alcoholism or drug abuse	36.50
Determination of descent of property	51.50
Termination of life estate	50.50
Termination of joint tenancy	50.50
Refusal to grant letters of administration	50.50
Adoption	50.50
Filing a will and affidavit under K.S.A. 59-618a	50.50
Guardianship	71.50
Conservatorship	71.50
Trusteeship	71.50
Combined guardianship and conservatorship	71.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto	25.50
Decrees in probate from another state	110.50
Probate of an estate or of a will	111.50
Civil commitment under K.S.A. 59-29a01 et seq.	35.50

(B) On and after July 1, 2010:

Treatment of mentally ill	34.50
Treatment of alcoholism or drug abuse	34.50
Determination of descent of property	49.50
Termination of life estate	48.50
Termination of joint tenancy	48.50
Refusal to grant letters of administration	48.50

Adoption	48.50
Filing a will and affidavit under K.S.A. 59-618a	48.50
Guardianship	69.50
Conservatorship	69.50
Trusteeship	69.50
Combined guardianship and conservatorship	69.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto	23.50
Decrees in probate from another state	108.50
Probate of an estate or of a will	109.50
Civil commitment under K.S.A. 59-29a01 et seq.	33.50

(2) ~~The docket fee established in this subsection shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.~~

(b) *Poverty affidavit in lieu of docket fee and exemptions.* The provisions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and amendments thereto, shall apply to probate docket fees prescribed by this section.

(c) *Disposition of docket fee.* Statutory charges for the law library and for the prosecuting attorneys' training fund shall be paid from the docket fee. The remainder of the docket fee shall be paid to the state treasurer in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, transcripts and publication of legal notice, executor or administrator fees, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties or estate as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.”;

And by renumbering the remaining sections accordingly;

On page 4, by striking all in line 16 and inserting the following:

“Sec. 22. K.S.A. 2008 Supp. 60-1621 is hereby amended to read as follows: 60-1621. (a) No post-decree motion petitioning for a modification or termination of separate maintenance, for a change in legal custody, residency, visitation rights or parenting time or for a modification of child support shall be filed or docketed in the district court without payment of a docket fee in the amount of \$42 on and after July 1, 2008 through June 30, 2010, and \$40 on and after July 1, 2010, to the clerk of the district court.

(b) A poverty affidavit may be filed in lieu of a docket fee as established in K.S.A. 60-2001, and amendments thereto.

(c) The docket fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The docket fee shall be disbursed in accordance with subsection (f) of K.S.A. 20-362, and amendments thereto.

(d) ~~The docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.~~

Sec. 23. K.S.A. 2008 Supp. 60-2001 is hereby amended to read as follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no case shall be filed or docketed in the district court, whether original or appealed, without payment of a docket fee in the amount of \$156 on and after July 1, 2008 through June 30, 2010, and \$154 on and after July 1, 2010, to the clerk of the district court. ~~The docket fee established in this subsection shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. Except as provided further, the docket fee established in this subsection shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.~~

(b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case where a plaintiff by reason of poverty is unable to pay a docket fee, and an affidavit so stating is filed, no fee will be required. An inmate in the custody of the secretary of corrections may file a poverty affidavit only if the inmate attaches a statement disclosing the average account balance, or the total deposits, whichever is less, in the inmate's trust fund for each month in (A) the six-month period preceding the filing of the action; or (B) the current period of incarceration, whichever is shorter. Such statement shall be certified by the secretary. On receipt of the affidavit and attached statement, the court shall determine the initial fee to be assessed for filing the action and in no event shall the court require an inmate to pay less than \$3. The secretary of corrections is hereby authorized to disburse money from the inmate's account to pay the costs as determined by the court. If the inmate has a zero balance in such inmate's account, the secretary shall debit such account in the amount of \$3 per filing fee as established by the court until money is credited to the account to pay such docket fee. Any initial filing fees assessed pursuant to this subsection shall not prevent the court, pursuant to subsection (d), from taxing that individual for the remainder of the amount required under subsection (a) or this subsection.

(2) *Form of affidavit.* The affidavit provided for in this subsection shall be in the following form and attached to the petition:

State of Kansas, _____ County.

In the district court of the county: I do solemnly swear that the claim set forth in the petition herein is just, and I do further swear that, by reason of my poverty, I am unable to pay a docket fee.

(c) *Disposition of fees.* The docket fees and the fees for service of process shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. For every person to be served by the sheriff, the persons requesting service of process shall provide proper payment to the clerk and the clerk of the district court shall forward the service of process fee to the sheriff in accordance with K.S.A. 28-110, and amendments thereto. The service of process fee, if paid by check or money order, shall be made payable to the sheriff. Such service of process fee shall be submitted by the sheriff at least monthly to the county treasurer for deposit in the county treasury and credited to the county general fund. The docket fee shall be disbursed in accordance with K.S.A. 20-362 and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process, fees for depositions, alternative dispute resolution fees, transcripts and publication, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties as directed by the court. No sheriff in this state shall charge any mileage for serving any papers or process.

Sec. 24. K.S.A. 2008 Supp. 60-2203a is hereby amended to read as follows: 60-2203a. (a) After the commencement of any action in any district court of this state, or the courts of the United States in the state of Kansas or in any action now pending heretofore commenced in such courts, which does not involve title to real estate, any party to such action may give

notice in any other county of the state of the pendency of the action by filing for record with the clerk of the district court of such other county a verified statement setting forth the parties to the action, the nature of the action, the court in which it is pending, and the relief sought, which shall impart notice of the pendency of the action and shall result in the same lien rights as if the action were pending in that county. The lien shall be effective from the time the statement is filed, but not to exceed four months prior to the entry of judgment except as provided in subsection (c). The party filing such notice shall within 30 days after any satisfaction of the judgment entered in such action, or any other final disposition thereof, cause to be filed with such clerk of the district court a notice that all claims in such action are released. If the party filing fails or neglects to do so after reasonable demand by any party in interest, such party shall be liable in damages in the same amounts and manner as is provided by law for failure of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such a notice of the pendency of an action the clerk shall charge a fee of \$14 and shall enter and index the action in the same manner as for the filing of an original action. Upon the filing of a notice of release, the notice shall likewise be entered on the docket. ~~The fee established in this subsection shall be the only fee collected or moneys in the nature of a fee collected for the court procedure. 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. Except as provided further, the fee established in this subsection shall be the only fee collected or moneys in the nature of a fee collected for the court procedure. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per fee, to fund the costs of non-judicial personnel.~~

(b) Any notice of the type provided for in subsection (a) which was filed on or after January 10, 1977, and prior to the effective date of this act shall be deemed to impart notice of the pendency of the action in the same manner as if the provisions of subsection (a) were in force and effect on and after January 10, 1977.

(c) Notwithstanding the foregoing provisions of this section, the filing of a notice of the pendency of an action pursuant to subsection (a) shall create no lien rights against the property of an employee of the state or a municipality prior to the date judgment is rendered if the pleadings in the pending action allege a negligent or wrongful act or omission of the employee while acting within the scope of such employee's employment, regardless of whether or not it is alleged in the alternative that the employee was acting outside of such employee's employment. A judgment against an employee shall become a lien upon such employee's property in the county where notice is filed pursuant to subsection (a) when the judgment is rendered only if it is found that (1) the employee's negligent or wrongful act or omission occurred when the employee was acting outside the scope of such employee's employment or (2) the employee's conduct which gave rise to the judgment was because of actual fraud or actual malice of the employee. In such cases the lien shall not be effective prior to the date judgment was rendered. As used in this subsection (c), "employee" shall have the meaning ascribed to such term in K.S.A. 75-6102, and amendments thereto.

Sec. 25. K.S.A. 2008 Supp. 61-2704 is hereby amended to read as follows: 61-2704. (a) An action seeking the recovery of a small claim shall be considered to have been commenced at the time a person files a written statement of the person's small claim with the clerk of the court if, within 90 days after the small claim is filed, service of process is obtained or the first publication is made for service by publication. Otherwise, the action is deemed commenced at the time of service of process or first publication. An entry of appearance shall have the same effect as service.

(b) Upon the filing of a plaintiff's small claim, the clerk of the court shall require from the plaintiff a docket fee of \$39 on and after July 1, 2008 through June 30, 2010, and \$37 on and after July 1, 2010, if the claim does not exceed \$500; or \$59 on and after July 1, 2008 through June 30, 2010, and \$57 on and after July 1, 2010, if the claim exceeds \$500; unless for good cause shown the judge waives the fee. The docket fee shall be the only costs required in an action seeking recovery of a small claim. No person may file more than 20 small claims under this act in the same court during any calendar year.

(c) ~~The docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.~~

Sec. 26. K.S.A. 2008 Supp. 61-4001 is hereby amended to read as follows: 61-4001. (a) Docket fee. No case shall be filed or docketed pursuant to the code of civil procedure for limited actions without the payment of a docket fee in the amount of \$37 on and after July 1, 2008 through June 30, 2010, and \$35 on and after July 1, 2010, if the amount in controversy or claimed does not exceed \$500; \$57 on and after July 1, 2008 through June 30, 2010, and \$55 on and after July 1, 2010, if the amount in controversy or claimed exceeds \$500 but does not exceed \$5,000; or \$103 on and after July 1, 2008 through June 30, 2010, and \$101 on and after July 1, 2010, if the amount in controversy or claimed exceeds \$5,000. If judgment is rendered for the plaintiff, the court also may enter judgment for the plaintiff for the amount of the docket fee paid by the plaintiff.

(b) Poverty affidavit; additional court costs; exemptions for the state and municipalities. The provisions of subsections (b), (c) and (d) of K.S.A. 60-2001 and 60-2005 and amendments thereto, shall be applicable to lawsuits brought under the code of civil procedure for limited actions.

(c) ~~The docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. 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. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.~~

Sec. 27. K.S.A. 20-362, 20-2207, 20-2208, 20-3207, 22-2410, 59-2971 and 59-29b71 and K.S.A. 2008 Supp. 8-2107, 8-2110, 20-3002, 20-3202, 20-3205, 21-4619, 21-4619d, 23-108a, 28-170, 28-172a, 28-177, 38-1511, 38-1613, 38-2215, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in lines 10 through 14 and inserting the following: “AN ACT concerning courts; relating to court fees and costs; creating the judicial branch surcharge fund; relating to docket fees; prosecuting attorneys’ training fund; judicial council; commission on judicial performance; funding the Kansas criminal code recodification commission; court of appeals; district courts; transmittal of documents; amending K.S.A. 20-362, 20-2207, 20-2208, 20-3207, 22-2410, 59-2971 and 59-29b71 and K.S.A. 2008 Supp. 8-2107, 8-2110, 20-3002, 20-3202, 20-3205, 21-4619, 23-108a, 28-170, 28-172a, 28-177, 38-2215, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 21-4619d, 38-1511 and 38-1613.”;

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 66** was adopted.

On roll call, the vote was: Yeas 104; Nays 20; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Faber, Feuerborn, Finney, Flaharty, Fund, Furtado, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Landwehr, Lane, Light, Long, Lukert, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, 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, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Brunk, Crow, Dillmore, Donohoe, Frownfelter, Garcia, S. Gatewood, Henderson, Knox, Kuether, Loganbill, Mah, Menghini, Neufeld, Peck, Sawyer, Swenson, Vickrey, Winn.

Present but not voting: None.

Absent or not voting: Hill.

CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Reps. Colloton, Patton and McCray-Miller as members of the conference committee on **SB 33** to replace Reps. Landwehr, Crum and Flaharty.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2121**, 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 37, after line 26, by inserting the following:

"New Sec. 34. (a) As used in this section:

- (1) "rBST" means recombinant bovine somatotropin.
- (2) "rBGH" means recombinant bovine growth hormone.
- (3) "BST" means bovine somatotropin.

(b) Milk, milk products and dairy products shall be deemed misbranded, as defined in K.S.A. 65-771, and amendments thereto, if the labels on the containers in which the products are sold or offered for sale contain any false or misleading statements as specified in this section.

(c) Each milk, milk product or dairy product label that contains a production claim stating that: "This milk is from cows not supplemented with rBST," or a substantially equivalent statement regarding hormones, shall be deemed misleading unless both of the following conditions are met:

(1) The owner or operator of each dairy manufacturing plant, as defined in K.S.A. 65-771, and amendments thereto, verifies that the claim is accurate and has in its possession a milk producer's affidavit that the milk is from cows not supplemented with rBST and any other written records deemed necessary by the dairy manufacturing plant owner or operator to support the claim, and these documents are made readily available to the department of agriculture for inspection.

(2) The label contains, in the same label panel after the production claim and in a similar font, style, case, size and color as used in the production claim, the following qualifying statement: "The FDA has determined that no significant difference has been shown between milk derived from rBST-supplemented and non-rBST-supplemented cows", or a substantially equivalent statement regarding hormones. The color of the qualifying statement shall be of sufficient contrast to the background color to be easily read.

(d) If a milk, milk product or dairy product label contains a statement indicating the absence of a compound that is not permitted by the United States food and drug administration to be present in the product, including antibiotics and pesticides, the label shall be deemed false and misleading. Such statement shall not be permitted on milk, milk product, and dairy product labels.

(e) The provisions of this section shall not be construed to prohibit any seals or marks authorized by a federal law or Kansas statute.

(f) (1) On and after January 1, 2011, this section shall apply to the labels on all nonreusable containers of milk, milk products and dairy products.

(2) Each reusable container for milk, a milk product or a dairy product purchased by the owner or operator of a dairy manufacturing plant before January 1, 2011, that includes on the label the production claim that "this milk is from cows not supplemented with rBST" or a substantially equivalent statement regarding hormones, shall include the qualifying language specified in paragraph (c)(2) of this section affixed to the container. The qualifying language shall not be required to be on the same label, immediately after the production claim on the label or in exactly the same font, style, case, size and color as used in the production claim.

(3) On and after January 1, 2011, this section shall apply to the labels on all reusable containers of milk, milk products and dairy products purchased by the owner or operator of a dairy processing plant on or after that date.

(g) The provisions of this section shall not apply to agricultural products certified as organic agricultural products pursuant to the national organic program of the United States department of agriculture.

Sec. 35. K.S.A. 2008 Supp. 2-3318 is hereby amended to read as follows: 2-3318. (a) Regardless of whether irrigation water is added, whenever swine waste is applied to crops or land, the secretary of *health and environment* is authorized to investigate, inspect or conduct any manner of examination or review of the application of swine waste. No swine waste shall be applied to crops or land in excess of agronomic application rates.

(b) The secretary of *health and environment* shall review and approve all nutrient utilization plans that provide for the application of swine waste to crops or land and that are submitted by swine confined feeding facilities pursuant to K.S.A. 65-1,182 and amendments thereto if the plans demonstrate that swine waste will be applied pursuant to agronomic application rates and include all required information. Nutrient utilization plans shall be submitted on a form required by the secretary. ~~The secretary shall notify the secretary of health and environment when a nutrient utilization plan has been approved and whether the approval is conditioned on any amendments or revisions to the plan of health and environment.~~

(c) Failure of the operator of a swine confined feeding facility to implement a nutrient utilization plan approved by the secretary of *health and environment* shall be considered a violation of the Kansas chemigation safety law for which the secretary may suspend a permit pursuant to K.S.A. 2-3310 and amendments thereto or may impose a civil penalty pursuant to K.S.A. 2-3317 and amendments thereto, or both.

(d) This section shall be part of and supplemental to the Kansas chemigation safety law.

Sec. 36. K.S.A. 2008 Supp. 65-1,182 is hereby amended to read as follows: 65-1,182. (a) The department of health and environment shall not issue or renew a permit for any swine facility that has an animal unit capacity of 1,000 or more and that applies manure or wastewater to land unless:

(1) The land application process complies with the applicable requirements of this section; and

(2) the nutrient utilization plan required by this section is approved by the ~~secretary of agriculture~~ *secretary of health and environment as specified by K.S.A. 2008 Supp. 2-3318, and amendments thereto.*

(b) (1) If the manure management plan prepared pursuant to K.S.A. 65-1,181 and amendments thereto provides for land application of manure or wastewater:

(A) The applicant for a permit for construction of a new swine facility or for expansion of an existing swine facility shall submit with the application for a permit a nutrient utilization plan on a form prescribed by ~~the secretary of agriculture~~ *the secretary of health and envi-*

ronment as applicable and shall comply with the plan when the permit is issued by the department of health and environment; and

(B) the operator of an existing swine facility shall submit to the department of health and environment, within six months after the rules and regulations implementing this act are adopted, a nutrient utilization plan on a form prescribed by ~~the secretary of agriculture~~ *the secretary of health and environment*, for approval by ~~the secretary of agriculture~~ *the secretary of health and environment*; and shall comply with the plan by a date established by ~~the secretary of agriculture~~ *the secretary of health and environment*.

(2) Each nutrient utilization plan shall address site-specific conditions for land application of manure, wastewater and other nutrient sources, comply with the requirements of this section and contain, at minimum, the following:

- (A) A site map of all land application areas, including section, township and range;
- (B) crop rotations on the land application areas;
- (C) annual records of soil tests, manure nutrient analyses, and calculations required by subsection (c);
- (D) nutrient budgets for the land application areas;
- (E) rates, methods, frequency and timing of application of manure, wastewater and other nutrient sources to the land application areas;
- (F) the amounts of nitrogen and phosphorus applied to the land application areas;
- (G) precipitation records and the amounts of irrigation and other water applied;
- (H) records of inspections and preventive maintenance of equipment required by subsection (f)(6);

(I) copies of all landowner agreements for land that is not owned by the swine facility and is scheduled to receive manure or wastewater;

(J) names of employees and contractors whom the operator of the swine facility has identified pursuant to subsection (f)(7) to supervise the process of transferring manure or wastewater to land application equipment and the process of land application;

(K) records of training of all personnel who supervise and conduct the land application of manure or wastewater, as required by subsection (f)(7); and

(L) any other information required by ~~the secretary of agriculture~~ *the secretary of health and environment* to facilitate approval.

(3) (A) A swine facility that is required to have a nutrient utilization plan shall amend such plan whenever warranted by changes in the facility, soil test results or other conditions affecting the facility.

(B) Amendments to the nutrient utilization plan must be approved by ~~the secretary of agriculture~~ *the secretary of health and environment*.

(4) A swine facility that is required to have a nutrient utilization plan shall maintain such plan in accordance with K.S.A. 65-1,185 and amendments thereto.

(c) (1) Each swine facility that has a manure management plan that includes land application of manure or wastewater shall:

(A) Conduct soil tests, including but not limited to tests for nitrogen, phosphate, chloride, copper and zinc, on the land application areas prior to preparation of the nutrient utilization plan and at least annually thereafter, or as often as required by best available soil science and standards relative to the soils of, and crops to be grown on, the land application areas or as required by ~~the secretary of agriculture~~ *the secretary of health and environment*; and

(B) include the results of such tests in its nutrient utilization plan.

(2) Each swine facility that has a manure management plan that includes land application of manure or wastewater or sells or gives manure or wastewater to third persons pursuant to subsection (h) of K.S.A. 65-1,181 and amendments thereto shall:

(A) Conduct manure nutrient analyses of its manure and wastewater prior to preparation of its nutrient utilization plan and at least every two years thereafter; and

(B) include the results of such analyses in its nutrient utilization plan.

(3) Each swine facility that has a manure management plan that includes land application of manure or wastewater shall:

(A) Compare the manure nutrient analyses required by subsection (c)(2) with the soil tests required by subsection (c)(1) to calculate needed fertility and application rates for pasture production and crop target yields on the land application areas prior to the prepa-

ration of the nutrient utilization plan and each time thereafter when new soil tests or manure nutrient analyses are conducted; and

(B) include such calculations in the nutrient utilization plan.

(d) If a swine facility is required to have a nutrient utilization plan and finds that the soil tests required pursuant to this act indicate that the phosphorus holding capacity for any soils in the facility's land application areas may be exceeded within five years, the facility shall promptly initiate the process to obtain access to the additional land application areas needed, or make other adjustments, to achieve the capability to apply manure or wastewater at appropriate agronomic rates.

(e) The Kansas department of ~~agriculture~~ *of health and environment* may require a swine facility that is required to have a nutrient utilization plan to apply manure or wastewater on all or a portion of the facility's land application areas at a rate within the agronomic phosphorus needs of the crops or pasture, or the soil phosphorus holding capacity, in less than the time originally allowed in the approved nutrient utilization plan if ~~the department of agriculture~~ *the department of health and environment* finds that the land application actions of the facility are contributing to the impairment of groundwater or surface water.

(f) (1) Each swine facility that is required to have a nutrient utilization plan shall include in such plan, and thereafter comply with, the requirements that manure or wastewater shall not be applied on bare ground by any process, other than incorporation into the soil during the same day, within 1,000 feet of any habitable structure, wildlife refuge or city, county, state or federal park, unless:

(A) The manure or wastewater has been subjected to physical, biological or biochemical treatment or other treatment method for odor reduction approved by the department of health and environment;

(B) the manure or wastewater is applied with innovative treatment or application that is best available technology for swine facilities and best management practices for swine facilities or other technology approved by the department of health and environment; or

(C) the owner of the habitable structure has provided a written waiver to the facility.

(2) The separation distance requirements of subsection (f)(1) shall not apply to any structure constructed or park designated as a city, county, state or federal park after the effective date of this act, for swine facilities in existence on the effective date of this act, or any structure constructed or park designated as a city, county, state or federal park after submission of an application for a permit for a new swine facility or expansion of an existing swine facility.

(3) Swine facilities that are required to have a nutrient utilization plan shall not apply manure or wastewater:

(A) To lands classified as highly erodible according to the conservation compliance provisions of the federal food security act of 1985, as in effect on the effective date of this act, and classified as highly erodible on the basis of erosion resulting from water runoff, except where soil conservation practices to control erosion and runoff in compliance with the requirements of this section are identified in the facility's nutrient utilization plan and are followed by the facility;

(B) during rain storms, except where soil conservation practices to control erosion and runoff in compliance with the requirements of this section are identified in the facility's nutrient utilization plan and are followed by the facility;

(C) to frozen or saturated soil, except where soil conservation practices to control runoff in compliance with the requirements of this section are identified in the facility's nutrient utilization plan and are followed by the facility; and

(D) to any areas to which the separation distance requirements of subsection (f) apply.

(4) Swine facilities that are required to have a nutrient utilization plan shall follow procedures and precautions in the land application of manure or wastewater to prevent discharge of manure or wastewater to surface water and groundwater due to excess infiltration, penetration of drainage tile lines, introduction into tile inlets or surface runoff, including appropriate soil conservation practices to protect surface water from runoff carrying eroded soil and manure particles.

(5) Swine facilities that are required to have a nutrient utilization plan and that conduct wastewater irrigation shall:

(A) Employ measures to irrigate under conditions that reasonably prevent surface runoff; and

(B) use reasonable procedures and precautions to avoid spray drift from the land to which it is applied.

(6) Each swine facility that is required to have a nutrient utilization plan and that land applies manure or wastewater shall ensure that any equipment used in the land application process is properly maintained and calibrated and monitor the use of the equipment so that any malfunction that develops during the land application process is detected and the process ceases until the malfunction is corrected.

(7) The operator of each swine facility that is required to have a nutrient utilization plan and that land applies manure or wastewater shall:

(A) Identify, train and keep current the training of each employee and contractor who supervises the transfer of manure or wastewater to land application equipment and the conducting of land application activities; and

(B) train, and keep current the training of, all employees and contractors who conduct land application activities.

(g) Each swine facility that is required to have a nutrient utilization plan shall amend such plan whenever warranted by changes in conditions. The operator of the facility shall file such plan and any amendments to such plan with the department of health and environment and the department shall forward such plan and any amendments to the secretary of agriculture.

(h) The ~~secretary of agriculture~~ *secretary of health and environment* shall make a determination to approve or disapprove a nutrient utilization plan not later than 45 days after the plan is received from the department of health and environment.”;

And by renumbering sections accordingly;

Also on page 37, in line 31, preceding “65-778” by inserting “2-3318,”; also in line 31, by striking “and” and inserting a comma; also in line 31, after “65-781” by inserting “and 65-1,182”;

In the title, in line 16, after “to” by inserting “application of swine waste;”; in line 17, by striking “fees for”; in line 18, after the semicolon by inserting “fees and labeling requirements;”; in line 23, preceding “65-778” by inserting “2-3318,”; also in line 23, by striking “and” where it appears for the first time and inserting a comma; also in line 23, after “65-781” by inserting “and 65-1,182”;

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

MARK TADDIKEN

RALPH OSTMEYER

Conferees on part of Senate

LARRY R. POWELL

ROCKY FUND

JOSH SVATY

Conferees on part of House

On motion of Rep. Powell to adopt the conference committee report on **HB 2121**, Rep. Svaty 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. Powell and the conference committee report was adopted.

On roll call, the vote was: Yeas 82; Nays 42; Present but not voting: 0; Absent or not voting: 1.

Yeas: Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Faber, Feuerborn, Fund, D. Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Light, Lukert, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O’Neal, Olson, Otto, Palmer, Patton, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Sawyer, Schroeder, Schwab, Schwartz, Siegfried, Sloan, Swanson, Swenson, Tafanelli,

Talia, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Benlon, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Donohoe, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Gordon, Henderson, Huntington, Kinzer, Kuether, Landwehr, Lane, Loganbill, Long, Mah, Menghini, Neighbor, O'Brien, Peck, Peterson, Quigley, Rardin, Ruiz, Seiwert, Shultz, Slattery, Spalding, Svaty, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Hill.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2152**, 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, by striking all in lines 23 through 43;

By striking all on pages 2 through 13;

On page 14, by striking all in lines 1 through 27 and inserting the following:

"New Sec. 2. (a) It shall be unlawful for any person to operate a golf cart: (1) On any interstate highway, federal highway or state highway; (2) on any public highway or street within the corporate limits of any city unless authorized by such city; or (3) on any street or highway with a posted speed limit greater than 30 miles per hour.

(b) The provisions of subsection (a) shall not prohibit a golf cart from crossing a federal or state highway or a street or highway with a posted speed limit in excess of 30 miles per hour.

(c) A golf cart shall be operated on any public street or highway only during the hours between sunrise and sunset.

(d) This section shall be part of and supplemental to the uniform act regulating traffic on highways.

New Sec. 3. (a) It shall be unlawful for any person to operate a work-site utility vehicle: (1) On any interstate highway, federal highway or state highway; or (2) within the corporate limits of any city unless authorized by such city.

(b) No work-site utility vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.

(c) This section shall be part of and supplemental to the uniform act regulating traffic on highways.

Sec. 4. K.S.A. 2008 Supp. 8-126 is hereby amended to read as follows: 8-126. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.

(c) "Truck" means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(d) "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

(e) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

(f) "Farm tractor" means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

(g) "Road tractor" means every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

(h) "Trailer" means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(i) "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(j) "Pole trailer" means any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

(k) "Specially constructed vehicle" means any vehicle which shall not have been originally constructed under a distinctive name, make, model or type, or which, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(l) "Foreign vehicle" means every motor vehicle, trailer or semitrailer which shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(m) "Person" means every natural person, firm, partnership, association or corporation.

(n) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

(o) "Nonresident" means every person who is not a resident of this state.

(p) "Manufacturer" means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(q) "New vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles and who holds a dealer's contract therefor from a manufacturer or distributor and who has an established place of business in this state.

(r) "Used vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, travel trailers, trailers or vehicles.

(s) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

(t) "Department" or "motor vehicle department" or "vehicle department" means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

(u) "Commission" or "state highway commission" means the director of vehicles of the department of revenue.

(v) "Division" means the division of vehicles of the department of revenue.

(w) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

(x) "Passenger vehicle" means every motor vehicle, as herein defined, which is designed primarily to carry 10 or fewer passengers, and which is not used as a truck.

(y) "Self-propelled farm implement" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(z) "Farm trailer" means every trailer as defined in subsection (h) of this section and every semitrailer as defined in subsection (i) of this section, designed and used primarily as a farm vehicle.

(aa) "Motorized bicycle" means every device having two tandem wheels or three wheels, which may be propelled by either human power or helper motor, or by both, and which has:

- (1) A motor which produces not more than 3.5 brake horsepower;
- (2) a cylinder capacity of not more than 130 cubic centimeters;
- (3) an automatic transmission; and
- (4) the capability of a maximum design speed of no more than 30 miles per hour.

(bb) "All-terrain vehicle" means any motorized nonhighway vehicle ~~48~~ 50 inches or less in width, having a dry weight of ~~1,000~~ 1,500 pounds or less, traveling on three or more ~~low-pressure nonhighway~~ tires, having a seat designed to be straddled by the operator. As used in this subsection, ~~low-pressure nonhighway~~ tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of ~~12~~ 14 inches or less, ~~and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.~~

(cc) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to:

- (1) A farm tractor;
- (2) a self-propelled farm implement;
- (3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;
- (4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;
- (5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

(dd) "Motorized wheelchair" means any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.

(ee) "Oil well servicing, oil well clean-out or oil well drilling machinery or equipment" means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is an oil well servicing, oil well clean-out or oil well drilling machinery or equipment.

(ff) "Electric personal assistive mobility device" means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(gg) "Electronic certificate of title" means any electronic record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 2008 Supp. 8-135d, and amendments thereto.

(hh) "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck.

(ii) "Micro utility truck" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than ~~144~~ 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle.

(jj) “Golf cart” means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

Sec. 5. K.S.A. 2008 Supp. 8-128 is hereby amended to read as follows: 8-128. (a) The following need not be registered under this act, any:

- (1) Implement of husbandry;
- (2) all-terrain vehicle;
- (3) micro utility truck;
- (4) *golf cart*;
- (5) *work-site utility vehicle*;
- ~~(6)~~ (6) road roller or road machinery temporarily operated or moved upon the highways;
- ~~(7)~~ (7) municipally owned fire truck;
- ~~(8)~~ (8) privately owned fire truck subject to a mutual aid agreement with a municipality;
- ~~(9)~~ (9) school bus owned and operated by a school district or a nonpublic school which has the name of the municipality, school district or nonpublic school plainly painted thereon;
- ~~(10)~~ (10) farm trailer used in carrying not more than 6,000 pounds owned by a person engaged in farming, which trailer is used exclusively by the owner to transport agricultural products produced by such owner or commodities purchased by the owner for use on the farm owned or rented by the owner of such trailer and the weight of any such farm trailer, plus the cargo weight of 6,000 pounds or less, shall not be considered in determining the gross weight for which the truck or truck tractor propelling the same shall be registered; or
- ~~(11)~~ (11) farm trailer used and designed for transporting hay or forage from a field to a storage area or from a storage area to a feedlot, which is only incidentally moved or operated upon the highways, except that this paragraph shall not apply to a farm semitrailer.

(b) Self-propelled cranes where the crane operator on a job site operates the controls of such crane from a permanent housing or module on the crane and the crane is not used for the transportation of property, except the property that is required for the operation of the crane itself and earth moving equipment which are equipped with pneumatic tires may be moved on the highways of this state from one job location to another, or to or from places of storage, delivery or repair, without complying with the provisions of the law relating to registration and display of license plates but shall comply with all the other requirements of the law relating to motor vehicles.

(c) Oil well servicing, oil well clean-out or oil well drilling machinery or equipment need not be registered under this act but shall comply with all the other requirements of the law relating to motor vehicles.

(d) A truck permanently mounted with a hydraulic concrete pump and placing boom may be moved on the highways of this state from one job location to another, or to or from places of storage delivery or repair, without being registered under this act, but shall comply with all the other requirements of the law relating to motor vehicles. The provisions of this subsection shall not apply to ready-mix concrete trucks.

Sec. 6. K.S.A. 2008 Supp. 8-1486 is hereby amended to read as follows: 8-1486. K.S.A. 8-1402a, 8-1414a, 8-1439c, 8-1458a, 8-1459a, 8-1475a, 8-1487, 8-1488, 8-1489 and 8-1490 and amendments thereto, and K.S.A. 2008 Supp. 8-1491, 8-1492, 8-1493 ~~and~~, 8-1494 ~~and~~ section 1, and amendments thereto, shall be a part of, and supplemental to, the uniform act regulating traffic on highways.

Sec. 7. K.S.A. 2008 Supp. 8-1494 is hereby amended to read as follows: 8-1494. “Micro utility truck” means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than ~~144~~ 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. “Micro utility truck” does not include a work-site utility vehicle.

Sec. 8. K.S.A. 2008 Supp. 8-2118, as amended by section 4 of 2009 House Bill No. 2147, is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or

no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made by mail or in person and may be by personal check. The traffic citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a preliminary breath test	8-1012	\$90
Unsafe speed for prevailing conditions	8-1557	\$60
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$30 11-20 mph over the limit, \$30 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$90 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$180 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$60
Violating traffic control signal	8-1508	\$60
Violating pedestrian control signal	8-1509	\$30
Violating flashing traffic signals	8-1510	\$60
Violating lane-control signal	8-1511	\$60
Unauthorized sign, signal, marking or device	8-1512	\$30
Driving on left side of roadway	8-1514	\$60
Failure to keep right to pass oncoming vehicle	8-1515	\$60
Improper passing; increasing speed when passed	8-1516	\$60
Improper passing on right	8-1517	\$60
Passing on left with insufficient clearance	8-1518	\$60
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$60
Driving on left in no-passing zone	8-1520	\$60
Unlawful passing of stopped emergency vehicle	8-1520a	\$60
Driving wrong direction on one-way road	8-1521	\$60
Improper driving on laned roadway	8-1522	\$60
Following too close	8-1523	\$60
Improper crossover on divided highway	8-1524	\$30
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$60

Failure to yield to approaching vehicle when turning left	8-1527	\$60
Failure to yield at stop or yield sign	8-1528	\$60
Failure to yield from private road or driveway	8-1529	\$60
Failure to yield to emergency vehicle	8-1530	\$180
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$90
Failure to comply with restrictions in road construction zone	8-1531a	\$30
Disobeying pedestrian traffic control device	8-1532	\$30
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$60
Improper pedestrian crossing	8-1534	\$30
Failure to exercise due care in regard to pedestrian	8-1535	\$30
Improper pedestrian movement in crosswalk	8-1536	\$30
Improper use of roadway by pedestrian	8-1537	\$30
Soliciting ride or business on roadway	8-1538	\$30
Driving through safety zone	8-1539	\$30
Failure to yield to pedestrian on sidewalk	8-1540	\$30
Failure of pedestrian to yield to emergency vehicle	8-1541	\$30
Failure to yield to blind pedestrian	8-1542	\$30
Pedestrian disobeying bridge or railroad signal	8-1544	\$30
Improper turn or approach	8-1545	\$60
Improper "U" turn	8-1546	\$60
Unsafe starting of stopped vehicle	8-1547	\$30
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$60
Improper method of giving notice of intention to turn	8-1549	\$30
Improper hand signal	8-1550	\$30
Failure to stop or obey railroad crossing signal	8-1551	\$180
Failure to stop at railroad crossing stop sign	8-1552	\$120
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$180
Improper moving of heavy equipment at railroad crossing	8-1554	\$60
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$60
Improper passing of school bus; improper use of school bus signals	8-1556	\$300
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$180
Impeding normal traffic by slow speed	8-1561	\$30
Speeding on motor-driven cycle	8-1562	\$60
Speeding in certain vehicles or on posted bridge	8-1563	\$30
Improper stopping, standing or parking on roadway	8-1569	\$30
Parking, standing or stopping in prohibited area	8-1571	\$30
Improper parking	8-1572	\$30
Unattended vehicle	8-1573	\$30
Improper backing	8-1574	\$30

Driving on sidewalk	8-1575	\$30
Driving with view or driving mechanism obstructed	8-1576	\$30
Unsafe opening of vehicle door	8-1577	\$30
Riding in house trailer	8-1578	\$30
Improper driving in defiles, canyons, or on grades	8-1579	\$30
Coasting	8-1580	\$30
Following fire apparatus too closely	8-1581	\$60
Driving over fire hose	8-1582	\$30
Putting glass, etc., on highway	8-1583	\$90
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$30
Improper operation of snowmobile on highway	8-1585	\$30
Parental responsibility of child riding bicycle	8-1586	\$30
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$30
Clinging to other vehicle	8-1589	\$30
Improper riding of bicycle on roadway	8-1590	\$30
Carrying articles on bicycle; one hand on handlebars	8-1591	\$30
Improper bicycle lamps, brakes or reflectors	8-1592	\$30
Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$30
Improper operation of motorcycle on laned roadway	8-1595	\$60
Motorcycle clinging to other vehicle	8-1596	\$30
Improper motorcycle handlebars or passenger equipment	8-1597	\$60
Motorcycle helmet and eye-protection requirements	8-1598	\$30
Unlawful riding on vehicle	8-1578a	\$60
Unlawful operation of all-terrain vehicle	8-15,100	\$60
Unlawful operation of low-speed vehicle	8-15,101	\$60
Littering	8-15,102	\$100
Disobeying school crossing guard	8-15,103	\$60
Unlawful operation of micro utility truck	8-15,106	\$60
Failure to remove vehicles in accidents	section 1 of 2009	\$60
	<i>House Bill No. 2147</i>	
<i>Unlawful operation of golf cart</i>	<i>section 2</i>	\$60
<i>Unlawful operation of work-site utility vehicle</i>	<i>section 3</i>	\$60
Equipment offenses that are not misdemeanors	8-1701	\$60
Driving without lights when needed	8-1703	\$30
Defective headlamps	8-1705	\$30
Defective tail lamps	8-1706	\$30
Defective reflector	8-1707	\$30
Improper stop lamp or turn signal	8-1708	\$30
Improper lighting equipment on certain vehicles	8-1710	\$30
Improper lamp color on certain vehicles	8-1711	\$30
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$30

Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$30
No lamp or flag on projecting load	8-1715	\$60
Improper lamps on parked vehicle	8-1716	\$30
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$30
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$30
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
Improper lamps or lights on emergency vehicle	8-1720	\$30
Improper stop or turn signal	8-1721	\$30
Improper vehicular hazard warning lamp	8-1722	\$30
Unauthorized additional lighting equipment	8-1723	\$30
Improper multiple-beam lights	8-1724	\$30
Failure to dim headlights	8-1725	\$60
Improper single-beam headlights	8-1726	\$30
Improper speed with alternate lighting	8-1727	\$30
Improper number of driving lamps	8-1728	\$30
Unauthorized lights and signals	8-1729	\$30
Improper school bus lighting equipment and warning devices	8-1730	\$30
Unauthorized lights and devices on church or day-care bus	8-1730a	\$30
Improper lights on highway construction or maintenance vehicles	8-1731	\$30
Defective brakes	8-1734	\$30
Defective or improper use of horn or warning device	8-1738	\$30
Defective muffler	8-1739	\$30
Defective mirror	8-1740	\$30
Defective wipers; obstructed windshield or windows	8-1741	\$30
Improper tires	8-1742	\$30
Improper flares or warning devices	8-1744	\$30
Improper use of vehicular hazard warning lamps and devices	8-1745	\$30
Improper air-conditioning equipment	8-1747	\$30
Improper safety belt or shoulder harness	8-1749	\$30
Improper wide-based single tires	8-1742b	\$60
Improper compression release engine braking system	8-1761	\$60
Defective motorcycle headlamp	8-1801	\$30
Defective motorcycle 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 combination	8-1909	Pounds Overweight up to 1000 \$25 1001 to 2000 3¢ per pound 2001 to 5000 5¢ per pound 5001 to 7500 7¢ per pound 7501 and over .. 10¢ per pound
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000 \$25 1001 to 2000 3¢ per pound 2001 to 5000 5¢ per pound 5001 to 7500 7¢ per pound 7501 and over .. 10¢ per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$272
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$122
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$122
No authority as private or common carrier	66-1,111	\$122
Violation of motor carrier safety rules and regulations, except for violations specified in subsection (b)(2) of K.S.A. 66-1,130, and amendments thereto	66-1,129	\$100

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1 1/2 times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2 1/2 times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under subsection (a)(4) of K.S.A. 8-1560, and amendments thereto.”;

By renumbering sections accordingly;

On page 15, in line 13, by striking “that” and inserting “as provided under subsection (c) or for”; in line 14, following “supplies” by inserting “which”; in line 29, by striking “on or

before” and inserting “for”; also in line 29, by striking “is towed” and inserting “has been towed and such personal property shall be released to the owner”; following line 31, by inserting the following:

“Sec. 10. K.S.A. 2008 Supp. 66-1,108 is hereby amended to read as follows: 66-1,108. As used in this act:

- (a) “Commission” means the corporation commission of the state of Kansas;
- (b) “gross combination vehicle weight rating” means the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, gross combination weight rating shall be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load thereon;
- (c) “gross vehicle weight rating” means the value specified by the manufacturer as the loaded weight of a single motor vehicle;
- (d) “ground water well drilling rigs” means any vehicle, machine, tractor, trailer, semi-trailer or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water;
- (e) “household goods” means property and personal effects used or to be used in a dwelling, when a part of the equipment or supply of such dwelling and such other similar property, as the commission may provide by rules and regulations, if the transportation of such effects or property is:
 - (1) Arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in such householder’s dwelling; or
 - (2) arranged and paid for by another party.
- (f) “Motor carrier” means any person operating as a for hire motor carrier or a private motor carrier, and any of that person’s agents, officers, representatives, as well as employees responsible for hiring, supervising, training, assigning or dispatching of drivers and employees concerned with the installation, inspection and maintenance of motor vehicle equipment or accessories or both;
- (g) “motor vehicle” means any automobile, truck, trailer, semitrailer, tractor, motor bus or any other self-propelled or motor-driven vehicle used upon any of the public highways of the state for the purpose of transporting persons or property;
- (h) “person” means any individual, firm, partnership, limited liability partnership, corporation, limited liability company, association or their lessees, trustees or receivers;
- (i) “private motor carrier” means a person who provides transportation of property or passengers, by commercial *motor* vehicle and is not a for hire motor carrier;
- (j) “public highways” means every public street, alley, road or highway or thoroughfare of any kind used by the public;
- (k) “public motor carrier of household goods” means any person who undertakes for hire to transport by *commercial* motor vehicle from place to place, the household goods of others who may choose to employ or contract with the motor carrier;
- (l) “public motor carrier of passengers” means any person who undertakes for hire to transport by *commercial* motor vehicle, from place to place, persons who may choose to employ or contract with the motor carrier; and
- (m) “public motor carrier of property” means any person who undertakes for hire to transport by *commercial* motor vehicle, from place to place, the property other than household goods of others who may choose to employ or contract with the motor carrier.

Sec. 11. K.S.A. 2008 Supp. 66-1,109 is hereby amended to read as follows: 66-1,109. This act shall not require the following carriers to obtain a certificate, license or permit from the commission or file rates, tariffs, annual reports or provide proof of insurance with the commission:

- (a) Transportation by motor carriers wholly within the corporate limits of a city or village in this state, or between contiguous cities or villages in this state or in this and another state, or between any city or village in this or another state and the suburban territory in this state within three miles of the corporate limits, or between cities and villages in this state and cities and villages in another state which are within territory designated as a commercial

zone by the relevant federal authority, except that none of the exemptions specified in this subsection (a) shall apply to wrecker carriers ~~and none of such exemptions shall apply to motor carriers of passengers, other than motor carriers of passengers operating as a part of the general transit system serving any such city or village in this or another state, operating on regular routes and time schedules between any city or village in this or another state, and the suburban territory in this state;~~

(b) a private motor carrier who operates within a radius of 25 miles beyond the corporate limits of its city or village of domicile, or who operates between cities and villages in this state and cities and villages in another state which are within territory designated as a commercial zone by the relevant federal authority;

(c) the owner of livestock or producer of farm products transporting livestock of such owner or farm products of such producer to market in a motor vehicle of such owner or producer, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for the use of such owner or producer in a motor vehicle of such owner or producer, or in the motor vehicle of a neighbor on the basis of barter or exchange for service or employment;

(d) ~~persons operating motor vehicles used only to transport property when no common carrier is accessible, but when common-carrier service is available then this last exemption is limited to the transportation of such property from origin to the nearest practicable common-carrier receiving or loading point, or from a common-carrier unloading point by way of the shortest practicable route to destination, providing such motor vehicle does not pass a practicable delivery or receiving point of a common carrier equipped to transport such load, or when used to transport property from the point of origin to point of destination thereof when the destination of such property is less distant from the point of origin thereof than the nearest practicable common-carrier receiving or loading point equipped to transport such load;~~

~~(e) (1) the transportation of children to and from school; or (2) to motor vehicles owned by schools, colleges, and universities, religious or charitable organizations and institutions, or governmental agencies, when used to convey students, inmates, employees, athletic teams, orchestras, bands or other similar activities; or (3) motor vehicles owned by nonprofit organizations meeting the qualification requirements of section 501(c) of the internal revenue code of 1986, and amendments thereto, when transporting property or materials belonging to the owner of the vehicle;~~

~~(f) (e) a new vehicle dealer as defined by K.S.A. 8-2401, and amendments thereto, when transporting property to or from the place of business of such dealer;~~

~~(g) (f) motor vehicles carrying tools, property or material belonging to the owner of the vehicle and used in repair, building or construction work, not having been sold or being transported for the purpose of sale;~~

~~(h) (g) persons operating motor vehicles which have an ad valorem tax situs in and are registered in the state of Kansas, and used only to transport grain from the producer to an elevator or other place for storage or sale for a distance of not to exceed 50 miles;~~

~~(i) (h) the operation of hearses, funeral coaches, funeral cars or ambulances by motor carriers;~~

~~(j) (i) motor vehicles owned and operated by the United States, the District of Columbia, any state, any municipality or any other political subdivision of this state, including vehicles used exclusively for handling U.S. mail, and the operation of motor vehicles used exclusively by organizations operating public transportation systems pursuant to 49 U.S.C. sections 5307, 5310 and 5311;~~

~~(k) (j) any motor vehicle with a normal seating capacity of not more than the driver and 15 passengers while used for vanpooling or otherwise not for profit in transporting persons who, as a joint undertaking, bear or agree to bear all the costs of such operations, or motor vehicles with a normal seating capacity of not more than the driver and 15 passengers for not-for-profit transportation by one or more employers of employees to and from the factories, plants, offices, institutions, construction sites or other places of like nature where such persons are employed or accustomed to work;~~

~~(l) (k) motor vehicles used to transport water for domestic purposes, as defined by subsection (c) of K.S.A. 82a-701, and amendments thereto, or livestock consumption;~~

~~(m)~~ (l) transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, calcium chloride, bituminous or concrete paving mixtures, blacktop, dirt or fill material to a construction site, highway maintenance or construction project or other storage facility and the operation of ready-mix concrete trucks in transportation of ready-mix concrete;

~~(m)~~ (m) the operation of a vehicle used exclusively for the transportation of solid waste, as the same is defined by K.S.A. 65-3402, and amendments thereto, to any solid waste processing facility or solid waste disposal area, as the same is defined by K.S.A. 65-3402, and amendments thereto;

~~(n)~~ (n) the transporting of vehicles used solely in the custom combining business when being transported by persons engaged in such business;

~~(o)~~ (o) the operation of vehicles used for servicing, repairing or transporting of implements of husbandry, as defined in K.S.A. 8-1427, and amendments thereto, by a person actively engaged in the business of buying, selling or exchanging implements of husbandry, if such operation is within 100 miles of such person's established place of business in this state;

~~(p)~~ (p) transportation by taxi or bus companies operated exclusively within any city or within 25 miles of the point of its domicile in a city;

~~(q)~~ (q) a vehicle being operated with a dealer license plate issued under K.S.A. 8-2406, and amendments thereto, and in compliance with K.S.A. 8-136, and amendments thereto, and vehicles being operated with a full-privilege license plate issued under K.S.A. 8-2425, and amendments thereto;

~~(s)~~ any person operating a motor vehicle with a gross vehicle weight rating of 10,000 pounds or less, transporting property sold or to be sold by the owner or operator of such motor vehicle, except motor vehicles transporting hazardous materials which require placards;

~~(r)~~ (r) the operation of vehicles used for transporting materials used in the servicing or repairing of the refractory linings of industrial boilers;

~~(s)~~ (s) transportation of newspapers published at least one time each week;

~~(t)~~ (t) transportation of animal dung to be used for fertilizer; ~~and~~

~~(u)~~ (u) the operation of ground water well drilling rigs;

(v) the transportation of cotton modules from the field to the gin; and

(w) the transportation of custom harvested silage, including, but not limited to, corn, wheat and milo.”;

And by renumbering the remaining sections accordingly;

Also on page 15, in line 32, following “8-1486,” by inserting “8-1494,”; in line 33, by striking “and 8-2118” and inserting “, 8-2118, as amended by section 4 of 2009 House Bill No. 2147, 66-1,108 and 66-1,109”;

In the title, in line 12, by striking “regulating the use of golf carts;”; in line 13, by striking all preceding the semicolon and inserting “concerning the regulation thereof”; in line 14, by striking “8-1103 and 8-2118” and inserting “8-1494, 8-1103, 8-2118, as amended by section 4 of 2009 House Bill No. 2147, 66-1,108 and 66-1,109”;

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 2152** was adopted.

On roll call, the vote was: Yeas 102; Nays 22; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Faber, Finney, Flaharty, Fund, Furtado, Garcia, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Her-

manson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleebl, Knox, Landwehr, Lane, Light, Lukert, Maloney, Mast, McCray-Miller, McLeland, Menghini, Morrison, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Burroughs, Crow, Donohoe, Feuerborn, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Henderson, Kuether, Loganbill, Long, Mah, Merrick, Moxley, Quigley, Rardin, Tafanelli, Ward, Watkins, Winn.

Present but not voting: None.

Absent or not voting: Hill.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2158**, 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, by striking all in line 17 and inserting in lieu thereof the following:

"New Sec. 2. (a) The board of county commissioners of Sherman county may provide for the election of county commissioners in accordance with this section. The procedure for the election of county commissioners shall be adopted by resolution in accordance with the provisions of K.S.A. 19-204 and amendments thereto. The resolution shall be in substantial compliance with the provisions of subsection (b). Any county commissioner whose term has not expired by the time the resolution has been adopted by the voters of Sherman county, Kansas, shall continue to serve until a successor county commissioner is elected.

(b) (1) Each county commissioner shall run at large. Each candidate for county commissioner may reside anywhere within Sherman county, Kansas.

(2) All electors who are otherwise qualified according to law and who reside in Sherman county, Kansas, may vote in both the primary and general election for each county commissioner being elected. Each candidate shall file for the office of county commissioner in the manner provided by law. Elections for the office of county commissioner shall be conducted in accordance with the provisions of article 25 of the Kansas Statutes Annotated, and amendments thereto, except as provided in this section and amendments thereto.

(3) (A) Primary elections under this section shall be conducted on a partisan basis. In the primary election, each qualified voter shall be allowed to vote for the same number of candidates as the number of county commissioners being elected. For each county commissioner being elected, the candidate receiving the highest number of votes shall appear on the ballot in the general election.

(B) No person shall be permitted to cast more than one vote for any specific candidate.

(4) In the general election, each qualified voter shall be allowed to vote for the same number of candidates as the number of county commissioners being elected. The candidate receiving the highest number of votes for each office of county commissioner being elected shall be deemed to have been elected to such office.

(c) (1) The provisions of this section shall expire on December 31, 2010, unless the qualified voters of Sherman county, Kansas, elect to adopt the provisions of this section prior to such date.

(2) If a majority of the qualified electors voting on the resolution submitted to the voters pursuant to this section who reside within the corporate limits of the city of Goodland, Kansas, and a majority of the qualified electors voting on such resolution who reside outside of the corporate limits of the city of Goodland, Kansas, vote in favor thereof, the resolution shall be implemented in the manner provided by the resolution. If a majority of the electors who reside within the corporate limits of the city of Goodland, Kansas or a majority of the qualified electors who reside outside of the corporate limits of the city of Goodland, Kansas, vote against such resolution, the proposed resolution shall not be implemented.

Sec. 3. K.S.A. 19-201 is hereby amended to read as follows: 19-201. *Except as provided in section 2, and amendments thereto*, each county in the state of Kansas shall have three (3), five (5) or seven (7) commissioner districts, which shall be designated numerically and serially beginning with number 1.

The provisions of this section may be modified by the adoption of a charter for county government in any county which has established a charter commission pursuant to law.

Sec. 4. K.S.A. 19-202 is hereby amended to read as follows: 19-202. (a) The board of county commissioners of each county shall consist of three, five or seven qualified electors.

(b) *Except as provided in section 2, and amendments thereto*, one county commissioner shall reside in and represent each commissioner district within the county. During the time that any person is a candidate for nomination or election to office as a member of the board of county commissioners and during the term of office of the county commissioner, such candidate or county commissioner shall be and remain a qualified elector who resides in such person's district.

(c) Except as provided by K.S.A. 19-203, and amendments thereto, terms of office for the board of county commissioners shall be staggered in such a way that no more than a simple majority of commissioners is elected at any general election.

(d) Except as provided by K.S.A. 19-203, and amendments thereto, all county commissioners shall hold office for a term of four years from the second Monday of January next after their election and until their successors are qualified.

(e) The provisions of subsections (a), (c) and (d) of this section may be modified by the adoption of a charter for county government in any county which has established a charter commission pursuant to law.

Sec. 5. K.S.A. 19-203 is hereby amended to read as follows: 19-203. (a) *Subject to the provisions of section 2, and amendments thereto*, when a vacancy occurs in the office of a member of the board of county commissioners, it shall be filled by appointment of a resident in the district to fill the office for the unexpired term and until a successor is elected and qualified. When a vacancy occurs before May 1 of the first even-numbered year following the commencement of a term of office, it shall be filled by the appointment of a resident of such district who shall serve until a successor is elected and qualified at the next general election. Such successor shall assume office on the second Monday of January next following such election.

(b) Except as provided by subsection (c), appointments under this section shall be made in the manner provided by K.S.A. 25-3902, and amendments thereto, for filling vacancies in district offices.

(c) *Subject to the provisions of section 2, and amendments thereto*, vacancies created by an increase in the number of county commissioner districts in a county pursuant to K.S.A. 19-204, and amendments thereto, shall be filled by appointment of the governor. The governor shall make such appointments within 30 days of the date of the adoption of the resolution dividing the county into commissioner districts or within 30 days of the date of the order of the district court dividing the county into commissioner districts as required by K.S.A. 19-204a, and amendments thereto. Such appointees shall serve until successors are elected and qualified at the next general election. Such successors shall assume office on the second Monday of January next following their election. If at the next general election following such appointments, more than a simple majority of commissioners are elected, persons elected to the positions created by an increase in the number of districts shall be elected for two year terms and until their successors are qualified. Thereafter such members shall be elected to four year terms and until their successors are qualified. The provisions of this subsection shall apply to positions created by an increase in the number of districts at the election held in November 1990 and all such elections thereafter.

Sec. 6. K.S.A. 19-204 is hereby amended to read as follows: 19-204. (a) *Subject to the provisions of section 2, and amendments thereto, and subject to the provisions of K.S.A. 19-204a, and amendments thereto*, the board of county commissioners, on the day of the organization of the board or as soon thereafter as may be possible, shall meet and divide the county into three commissioner districts or such number of districts as is prescribed by resolution of the board, as compact and equal in population as possible, and number them. Such districts shall be subject to alteration at least once every three years.

(b) In Shawnee county, each district shall include residents of both the incorporated and unincorporated areas of the county. The number of residents in each district from the unincorporated area of the county shall be as equal in number, as possible. Such districts shall be subject to alteration at least once every three years.

If the districts do not meet the requirements of this subsection, the districts shall be altered to comply with such requirements no later than 30 days following the effective date of this act.

(c) The board of county commissioners of any county, by resolution, may divide the county into three, five or seven commissioner districts, as compact and equal in population as possible, but no such resolution which would effect a change in the number of commissioner districts shall take effect until it has been approved by a majority of the qualified electors of the county voting thereon at the next general election following not less than 60 days the adoption of such resolution, in which all the qualified electors of the county are entitled to vote. Upon the presentation of a petition to the board of county commissioners, signed by electors equal in number to 5% of the qualified electors of the county and verified by the county election officer, requesting that the number of commissioner districts be changed, the board of county commissioners shall cause such proposition to be submitted to the voters of the county at the next general election, following not less than 60 days the presentation of such petition, in which all of the qualified electors of the county are entitled to vote. In the event that more than one such petition is presented to the board of county commissioners prior to a general election, and any of such petitions conflicts with any other such petition with respect to the number of commissioner districts requested, the board of county commissioners shall decide, by majority vote thereon, which of the propositions shall be submitted to the voters at the next such general election. If a majority of the electors voting at such election shall be in favor of changing the number of commissioner districts, the board of county commissioners shall provide for the division of the county into commissioner districts as provided in K.S.A. 19-204a, and amendments thereto.

(d) No change in the number of commissioner districts shall become effective in any county within four years of the effective date of any previous change in the number of commissioner districts in such county.

(e) The provisions of this section may be modified by the adoption of a charter for county government in any county which has established a charter commission pursuant to law.

Sec. 7. K.S.A. 19-204a is hereby amended to read as follows: 19-204a. *Subject to the provisions of section 2, and amendments thereto*, when the voters of a county approve a change in the number of county commissioner districts at an election held under K.S.A. 19-204, and amendments thereto, the board of county commissioners, on or before January 1 immediately following such election, shall adopt a resolution dividing the county into the number of districts approved by the voters. If the board of county commissioners fails to adopt such resolution within the time prescribed, the chief judge of the district court of the county, on or before the following January 31, shall order the county divided into the appropriate number of districts.

Sec. 8. K.S.A. 2008 Supp. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b) (1) Corrupt political advertising of a state or local office is:

(A) Publishing or causing to be published in a newspaper or other periodical any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(B) broadcasting or causing to be broadcast by any radio or television station any paid matter which expressly advocates the nomination, election or defeat of a clearly identified

candidate for a state or local office, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor; **or**

(C) *telephoning or causing to be contacted by any telephonic means including, but not limited to, any device using a voice over internet protocol or wireless telephone, any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is preceded by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor; or*

(~~C~~) (D) publishing or causing to be published any brochure, flier or other political fact sheet, website, e-mail or other type of internet communication which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subsection (~~C~~) (D) requiring the disclosure of the name of an individual shall not apply to individuals making expenditures in an aggregate amount of less than \$2,500 within a calendar year or any internet communication disseminated to less than 25 individuals.

(2) Corrupt political advertising of a state or local office is a class C misdemeanor.

(c) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this section which can be given effect without the invalid application or provision, and to this end the provisions of this section are declared to be severable.

Sec. 9. K.S.A. 2008 Supp. 25-4148 is hereby amended to read as follows: 25-4148. (a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. Reports filed by treasurers for candidates for state-wide office shall be filed *electronically and* only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

(1) The eighth day preceding the primary election, which report shall be for the period beginning on January 1 of the election year for the office the candidate is seeking and ending 12 days before the primary election, inclusive;

(2) the eighth day preceding a general election, which report shall be for the period beginning 11 days before the primary election and ending 12 days before the general election, inclusive;

(3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on December 31, inclusive;

(4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the preceding calendar year;

(5) a treasurer shall file only the annual report required by subsection (4) for those years when the candidate is not participating in a primary or general election.

(b) Each report required by this section shall state:

(1) Cash on hand on the first day of the reporting period;

(2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

(3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;

(4) the aggregate amount of contributions for which the name and address of the contributor is not known;

(5) each contribution, rebate, refund or other receipt not otherwise listed;

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of \$50, with the amount, date, and purpose of each; the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;

(8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate, candidate committee, party committee or political committee, if the contribution is in excess of \$100 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution;

(9) the aggregate of all expenditures not otherwise reported under this section; and

(10) the total of expenditures.

(c) In addition to the requirements of subsection (b), every treasurer for any political committee and party committee shall report the following:

(1) (A) The name and address of each candidate for state or local office for whom an expenditure in the form of an in-kind contribution has been made in an aggregate amount or having a fair market value in excess of \$300, with the amount, date and purpose of each. The report shall show in detail the specific service or product provided; and

(B) the name and address of each candidate for state or local office who is the subject of an expenditure which:

(i) Is made without the cooperation or consent of a candidate or candidate committee;

(ii) expressly advocates the nomination, election or defeat of such candidate; and

(iii) is an aggregate amount or having a fair market value in excess of \$300.

(2) The report shall state the amount, date and purpose of the expenditure in the form of an in-kind contribution. The report shall show in detail the specific service or product provided. The reporting requirements imposed by this subsection shall be in addition to all other requirements required by this section.

(d) Treasurers of candidates and of candidate committees shall itemize the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154, and amendments thereto.

(e) If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, a description of the connection to or affiliation with such organization. If, the committee is not connected or affiliated with any one organization, the report shall state the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(f) The commission may require any treasurer to file an amended report for any period for which the original report filed by such treasurer contains material errors or omissions. The notice of the errors or omissions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.

(g) The commission may require any treasurer to file a report for any period for which the required report is not on file. The notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.

(h) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate's committee or by the treasurer of any party committee or political committee, the date of the convention or caucus shall be considered the date of the primary election.

(i) If a report is sent by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.

(j) Any report required by this section may be signed by the candidate in lieu of the candidate's treasurer or the treasurer of the candidate's committee.

Sec. 10. K.S.A. 2008 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 post-secondary 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) ~~From and after January 1, 2006; Except as provided by section 11, and amendments thereto,~~ any faculty member who receives an annual salary of \$50,000 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.

New Sec. 11. (a) The executive officer of any state educational institution as defined by K.S.A. 76-711, and amendments thereto, may require any faculty member who receives an annual salary of \$50,000 or more, other than an adjunct faculty member, to file a written statement of substantial interests with the employing state educational institution in lieu of filing the statements of substantial interests as required by K.S.A. 46-247, and amendments thereto. The executive officer shall notify the governmental ethics commission in writing of such decision to require filing of faculty statements of substantial interests only with the state educational institution.

(b) The written statement of substantial interests filed with a state educational institution pursuant to this section shall, at a minimum, include the information required by K.S.A. 46-229, and amendments thereto, and shall be an open public record. Any conflict of interests information required by the state board of regents or state educational institution that is in addition to that which is required by K.S.A. 46-229, and amendments thereto, may be placed in the faculty member's personnel records file and discretionarily closed in accordance with K.S.A. 45-221, and amendments thereto.

(c) The written statement of substantial interests required by this section shall be in such form as required by the state board of regents and shall be filed annually as part of the state

educational institution's appointment or salary notification process, and supplemented as required by the state board of regents.

(d) The provisions of this section shall expire on July 1, 2010.

Sec. 12. K.S.A. 19-201, 19-202, 19-203, 19-204 and 19-204a and K.S.A. 2008 Supp. 25-4148, 25-4156, 25-4156a, 46-247 and 74-2113 are hereby repealed.”; And by renumbering the remaining section accordingly;

In the title, by striking all in lines 12 through 15 and inserting in lieu thereof the following: “AN ACT concerning elections and election related issues; amending K.S.A. 19-201, 19-202, 19-203, 19-204 and 19-204a and K.S.A. 2008 Supp. 25-4148, 25-4156, 46-247 and 74-2113 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 25-4156a.”;

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

VICKI SCHMIDT
PAT APPLE
OLETHA FAUST-GOUDEAU
Conferees on part of Senate

STEVE HUEBERT
SCOTT SCHWAB
TOM SAWYER
Conferees on part of House

On motion of Rep. Schwab to not adopt the conference committee report on **HB 2158** and that a new conference committee be appointed, the motion prevailed.

Speaker O'Neal thereupon appointed Reps. Huebert, Schwab and Sawyer 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 2014**, 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, by striking all in lines 14 through 25 and inserting the following:

“New Sec. 3. (a) The secretary of administration shall adopt rules and regulations, within 18 months of the effective date of this act, for state agencies for the conduct of an energy audit at least every five years on all state-owned real property. On or before the first day of the 2010 regular session of the legislature and on or before the first day of each ensuing regular session of the legislature, the secretary of administration shall submit a written report to the joint committee on state building construction, the house committee on energy and utilities and the senate committee on utilities, or their successors, and an electronic copy to the legislature, identifying state-owned real property locations in which an excessive amount of energy is being used in accordance with rules and regulations adopted, within 18 months after the effective date of this act, by the secretary of administration concerning energy efficiency performance standards for state-owned real property.”;

On page 4, after line 10, by inserting the following:

“(e) (1) The commission shall establish rules and regulations for the administration of a certification process for renewable electric generation facilities for purposes of fulfilling the requirements of section 6, and amendments thereto.

(2) The commission shall establish rules and regulations required in this subsection within 18 months of the effective date of this act.”;

Also on page 4, in line 11, by striking “(e)” and inserting “(f)”; in line 16, by striking “energy”; in line 17, by striking “K.S.A. 79-201, and amendments thereto,” and inserting “K.S.A. 17-4652, and amendments thereto, and also means municipal or other solid waste and animal waste.”; in line 31, by striking all after “renewable”; in line 32, by striking all before the semicolon and inserting “resources or technologies as defined in K.S.A. 17-4652, and amendments thereto, and also means municipal or other solid waste and animal waste.”;

On page 30, by striking all in lines 7 through 18 and inserting the following:

“(b) The provisions of this section shall apply if the cost of the Kansas coal, including costs of transportation and handling at the new coal-fired electricity generating facility, is:

(1) Competitive to the cost of the out-of-state coal supply the owner or operator of the new coal-fired electricity generating facility is using to meet its remaining coal supply requirements;

(2) sold on comparable contractual terms and specification; and

(3) of an acceptable quality for use in the new coal-fired electricity generating facility.

This section shall not apply if the use or purchase of Kansas coal will result in the owner or operator of the new coal-fired electricity generating facility violating its air permit or a contractual obligation to which the owner or operator is subject.”;

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

MIKE PETERSEN

PAT APPLE

JANIS K. LEE

Conferees on part of Senate

CARL DEAN HOLMES

FORREST KNOX

Conferees on part of House

On motion of Rep. Knox, the conference committee report on **S. Sub. for Sub. HB 2014** was adopted.

On roll call, the vote was: Yeas 74; Nays 48; 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, Feuerborn, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Maloney, Mast, McLeland, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Swanson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, Yoder.

Nays: Ballard, Benlon, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Hawk, Henderson, Henry, Huntington, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, Menghini, Merrick, Neighbor, Peterson, Pottorff, Quigley, Rardin, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Watkins, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Grant, Hill, Kiegerl.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Schwartz, the House concurred in Senate amendments to **HB 2155**, An act concerning land banks; relating to the establishment of land banks by cities.

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

On roll call, the vote was: Yeas 105; Nays 19; Present but not voting: 0; Absent or not voting: 1.

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

Nays: A. Brown, Brunk, Carlson, Donohoe, S. Gatewood, Hayzlett, Huebert, Jack, Kelley, Kiegerl, Kinzer, Landwehr, McLeland, Neufeld, O'Brien, Peck, Schroeder, Vickrey, Winn.
 Present but not voting: None.
 Absent or not voting: Hill.

On motion of Rep. Carlson to concur in Senate amendments to **HB 2324**, Rep. Aurand asked the Rules Committee for a decision on Joint Rule 3(b). The Rules Committee is still considering the rule as to whether a motion to concur while the bill is in conference can be considered again at any time if the motion fails.

The question reverted back to the motion of Rep. Carlson and the House concurred in Senate amendments to **HB 2324**, An act concerning sales taxation; relating to exemptions; Kansas enterprise zone act; requirements for certain retail businesses; sales tax for community improvement districts; community improvement district act; amending K.S.A. 2008 Supp. 74-50,115 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 110; Nays 13; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kelley, Kerschen, King, Kleeb, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Carlson, Dillmore, Frownfelter, Henderson, Huebert, Kiegerl, Kinzer, Knox, Knether, McCray-Miller, Otto, Winn.

Present but not voting: None.

Absent or not voting: Hill, Lane.

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **H. Sub. for SB 257**, and requests return of the bill.

Announcing passage of **HB 2032**, as amended by **S. Sub. for HB 2032**.

The Senate accedes to the request of the House for a conference on **HB 2130** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate not adopts the conference committee report on **S. Sub. for HB 2097**.

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 5:00 p.m.

EVENING SESSION

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

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **SB 102**, and requests return of the bill.

The Senate adopts conference committee report on **SB 66**.

The Senate adopts conference committee report on **HB 2052**.

The Senate adopts conference committee report on **S. Sub. for HB 2072**.

The Senate adopts conference committee report on **HB 2162**.

CHANGE OF REFERENCE

Speaker O'Neal announced the following bills and resolution are withdrawn from the calendar under the heading, General Orders, and rereferred to the following committees:

Appropriations: **HB 2095**.
 Health and Human Services: **HR 6019**.
 Insurance: **Sub. HB 2075**.
 Select Committee on KPERS: **Sub. HB 2073**.

Also, the following bills are withdrawn from the calendar under the heading, General Orders, and referred to the following committees:

Commerce and Labor: **HB 2175**.
 Economic Development and Tourism: **SB 54**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Henry to concur in Senate amendments to **HB 2130**, An act relating to motor vehicles; concerning the use of safety belts; amending K.S.A. 2008 Supp. 8-2503 and 8-2504 and repealing the existing sections, the motion did not prevail and the bill remains in conference.

On roll call, the vote was: Yeas 55; Nays 65; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Benlon, Bethell, Brookens, T. Brown, Colloton, Craft, Crow, Crum, Davis, Feuerborn, Flaharty, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Hawk, Henry, Huntington, Johnson, Kleeb, Kuether, Loganbill, Long, Lukert, Mah, Maloney, Menghini, Navinsky, Neighbor, O'Neal, Palmer, Pauls, Peterson, Phelps, Pottorff, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, K. Wolf, Worley.

Nays: Aurand, Bowers, A. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, DeGraaf, Dillmore, Donohoe, Faber, Finney, Frownfelter, Fund, Goico, Gordon, Grange, Grant, Haylett, Henderson, Hermanson, Hineman, C. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegl, King, Kinzer, Knox, Landwehr, Light, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, Olson, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Winn, B. Wolf.

Present but not voting: None.

Absent or not voting: George, Hill, M. Holmes, Lane, Yoder.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2052**, 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, following line 14, by inserting the following:

"New Section 1. Sections 1 through 19, and amendments thereto, shall be known and may be cited as the public adjusters licensing act, and it shall govern the qualifications and procedures for the licensing of public adjusters, on and after July 1, 2009. It specifies the duties of and restrictions on public adjusters, which include limiting their licensure to assisting insureds in first party claims.

New Sec. 2. As used in sections 1 through 19, and amendments thereto: (a) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership or other legal entity.

(b) "Catastrophic disaster" means, according to the federal response plan, an event:

- (1) Declared by the president of the United States or governor of Kansas;
- (2) results in large numbers of deaths and injuries;

(3) causes extensive damage or destruction of facilities that provide and sustain human needs;

(4) produces an overwhelming demand on state and local response resources and mechanisms;

(5) causes a severe long-term effect on general economic activity; and

(6) severely affects state, local and private sector capabilities to begin and sustain response activities.

(c) “Commissioner” means the state commissioner of insurance.

(d) “FBI” means the federal bureau of investigation.

(e) “Fingerprint” means an impression of the lines on a finger taken for purpose of identification. The impression may be electronic or in ink converted to electronic format.

(f) “Home state” means the District of Columbia and any state or territory of the United States in which a public adjuster’s principal place of residence or principal place of business is located. If neither the state in which the public adjuster maintains the principal place of residence nor the state in which the public adjuster maintains the principal place of business has a law governing public adjusters substantially similar to this act, the public adjuster may declare another state in which it becomes licensed and acts as a public adjuster to be the home state.

(g) “KBI” means the Kansas bureau of investigation.

(h) “Licensed public adjuster” means a public adjuster licensed in accordance with this act.

(i) “NAIC” means the national association of insurance commissioners and its affiliates and subsidiaries.

(j) “Person” means an individual or a business entity.

(k) “Public adjuster” means any individual who:

(1) For compensation or any other thing of value, and solely in relation to first party claims arising under insurance claims or contracts that insure the real or personal property of the insured, aids or acts on behalf of an insured in negotiating for, or effecting the settlement of, a claim for loss or damage covered by and limited to commercial lines insurance contracts;

(2) advertises for employment as a public adjuster of insurance claims or directly or indirectly solicits business or represents to the public that such person is a public adjuster of first party insurance claims for losses or damages to real or personal property covered by and limited to commercial lines insurance contracts; or

(3) for compensation or any other thing of value, investigates or adjusts losses or advises an insured about first party claims for losses or damages to real or personal property of the insured covered by and limited to commercial lines insurance contracts, for another person engaged in the business of adjusting losses or damages covered by and limited to commercial lines insurance contracts.

(l) “Uniform individual application” means the current version of the NAIC uniform individual application for resident and nonresident individuals.

(m) “Uniform business entity application” means the current version of the NAIC uniform business entity application for resident and nonresident business entities.

New Sec. 3. (a) A person shall not act as or represent that such person is a public adjuster in this state unless the person is an individual licensed as a public adjuster in accordance with this act.

(b) A licensed public adjuster shall not misrepresent to a claimant that the individual is an adjuster representing an insurer in any capacity, including acting as an employee of the insurer or acting as an independent adjuster, unless so appointed by an insurer in writing to act on the insurer’s behalf for that specific claim or purpose. A licensed public adjuster is prohibited from charging that specific claimant a fee when appointed by the insurer and the appointment is accepted by the licensed public adjuster.

(c) Notwithstanding the provisions of this section, a license as a public adjuster shall not be required of the following:

(1) An attorney-at-law admitted to practice in this state, when acting in such person’s professional capacity as an attorney;

(2) a person who negotiates or settles claims arising under a life or health insurance policy or an annuity contract;

(3) a person employed only for the purpose of obtaining facts surrounding a loss or furnishing technical assistance to a licensed public adjuster, including photographers, estimators, private investigators, engineers and handwriting experts;

(4) a licensed health care provider, or employee of a licensed health care provider, who prepares or files a health claim form on behalf of a patient; or

(5) a person who settles subrogation claims between insurers.

New Sec. 4. (a) An individual applying for a public adjuster license shall make application to the commissioner on the appropriate uniform application or other application prescribed by the commissioner.

(b) The applicant shall declare under penalty of perjury and under penalty of refusal, suspension or revocation of the license, that the statements made in the application are true, correct and complete to the best of the applicant's knowledge and belief.

(c) In order to make a determination of license eligibility, the commissioner shall require a criminal history record check on each applicant who is not exempt from pre-licensing examination pursuant to section 7, and amendments thereto.

New Sec. 5. (a) Before issuing a public adjuster license to an applicant under this act, the commissioner shall find that the applicant:

(1) Is eligible to designate this state as the applicant's home state or is a nonresident who is not eligible for a license under section 8, and amendments thereto;

(2) has not committed any act that is a ground for denial, suspension or revocation of a license as set forth in section 10, and amendments thereto;

(3) is trustworthy, reliable and of good reputation, evidence of which may be determined by the commissioner;

(4) is financially responsible to exercise the rights and privileges under the license and has provided proof of financial responsibility as required in section 11, and amendments thereto;

(5) has paid an application fee of \$100; and

(6) maintains an office in the home state with public access during regular business hours or by reasonable appointment.

(b) In addition to satisfying the requirements of subsection (a), an applicant shall

(1) Be at least 18 years of age; and

(2) have successfully passed the public adjuster examination.

(c) The commissioner may require any documents reasonably necessary to verify the information contained in the application.

New Sec. 6. (a) An applicant for a public adjuster license under this act shall pass a written examination, unless exempt from this requirement pursuant to section 7, and amendments thereto. The examination shall test the knowledge of the individual concerning the duties and responsibilities of a public adjuster and the insurance laws and regulations of this state. Examinations required by this section shall be developed and conducted under rules and regulations prescribed by the commissioner.

(b) The commissioner may make arrangements, including contracting with an outside testing service, for administering examinations.

(c) An applicant who fails to appear for the examination as scheduled or fails to pass the examination may retake the examination following a waiting period of not less than seven days following the date of the first examination. If the applicant again fails to satisfactorily complete the examination, the applicant may retake the examination following a waiting period of not less than seven days following the date of the second examination. If the applicant again fails to satisfactorily complete the examination, the applicant may retake the examination following a waiting period of not less than six months following the date of the third examination, except that following a waiting period of not less than two years following the date of the third examination, the applicant will be treated as a new applicant and new examination and waiting periods shall apply.

New Sec. 7. (a) An applicant who applies for a public adjuster license in this state, who is currently licensed as a public adjuster in another state based on the individual's passage

of a public adjuster examination, shall not be required to complete any pre-licensing examination.

(b) An individual licensed as a public adjuster in another state, based on the individual's passage of a public adjuster examination, who moves to this state shall make application within 90 days of establishing legal residence in this state to become a resident licensee pursuant to section 5, and amendments thereto. No pre-licensing examination shall be required of that individual to obtain a public adjuster license.

(c) An individual who applies for a public adjuster license in this state and who was previously licensed as a public adjuster in this state, shall not be required to complete any pre-licensing examination, if the individual's application for licensure as a public adjuster is received within 12 months of the cancellation of the applicant's previous license in this state and if, at the time of cancellation, the applicant was in good standing in this state.

New Sec. 8. (a) Unless denied licensure pursuant to section 10, and amendments thereto, a nonresident individual shall receive a nonresident public adjuster license, if:

(1) The individual is currently licensed and in good standing as a resident public adjuster in that individual's home state;

(2) The individual has submitted the proper request for licensure, has paid the appropriate fee required by section 5, and amendments thereto, and, if required by the commissioner to do so, has provided proof of financial responsibility in accordance with section 11, and amendments thereto;

(3) the individual has submitted to the commissioner the appropriate completed application for licensure; and

(4) the individual's home state awards nonresident public adjuster licenses to residents of this state on the same basis.

(b) The commissioner may verify the public adjuster's licensing status through the producer database maintained by the NAIC.

(c) As a condition of continuation of a public adjuster license issued under this section, the licensee shall maintain a resident public adjuster license in the licensee's home state. The nonresident public adjuster license issued under this section shall terminate and be surrendered immediately to the commissioner, if the home state public adjuster license terminates for any reason, unless the public adjuster has a new home state and has been issued a license as a resident public adjuster in the new home state. Notification to the state or states where the nonresident license is issued must be made as soon as practicable, but no later than 30 days of a change in the new home state resident license. The licensee shall include in such notification the licensee's new and old addresses. A new home state resident license is required for a nonresident license to remain valid, and the new home state must have reciprocity with this state, in order for the nonresident license to remain valid.

New Sec. 9. (a) An individual who has met the requirements for licensure under this act shall be issued a public adjuster license. A public adjuster license shall remain in effect, unless revoked, terminated or suspended, as long as the request for renewal is timely submitted and a license renewal fee of \$100 is paid and any other requirements for license renewal are met by the due date. The licensee shall inform the commissioner by any means acceptable to the commissioner of a change of address, change of legal name or change of information submitted on the application within 30 days of the change.

(b) A public adjuster shall be subject to the provisions of subsection (9) of K.S.A. 40-2404, and amendments thereto.

(c) A public adjuster who allows such person's license to lapse may, within 12 months from the due date of the renewal, be issued a new public adjuster license upon the commissioner's receipt of proof that the licensee has satisfactorily completed the renewal process and the licensee's payment of a reinstatement fee of \$100. The new public adjuster license shall be effective the date the commissioner receives such proof and the reinstatement fee.

(d) A licensed public adjuster that is unable to comply with license renewal procedures due to military service, a long-term medical disability or some other extenuating circumstance, may request an extension of time to comply with those procedures.

(e) The public adjuster license shall contain the licensee's name, city and state of business address, personal identification number, the date of issuance, the expiration date and any other information the commissioner deems necessary.

(f) In order to assist in the performance of the commissioner's duties, the commissioner may contract with non-governmental entities, including the NAIC, to perform any ministerial functions, including the collection of fees and data related to licensing that the commissioner may deem appropriate.

New Sec. 10. (a) The commissioner may suspend, revoke or refuse to issue or renew a public adjuster's license for any of the following causes:

(1) Providing incorrect, misleading, incomplete or materially untrue information in the license application;

(2) violating:

(A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder;

(B) any subpoena or order of the commissioner;

(C) any insurance law or regulation of another state; or

(D) any subpoena or order issued by the regulatory official for insurance in another state;

(3) obtaining or attempting to obtain a license through misrepresentation or fraud;

(4) misappropriating, converting or improperly withholding any monies or properties received in the course of doing insurance business;

(5) intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;

(6) having been convicted of a misdemeanor or felony;

(7) having admitted or committed any insurance unfair trade practice or insurance fraud;

(8) using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

(9) having an insurance license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;

(10) forging another's name to an application for insurance or to any document related to an insurance transaction;

(11) cheating, including improperly using notes or any other reference material, to complete an examination for an insurance license;

(12) knowingly accepting insurance business from an individual who is not licensed but who is required to be licensed by the commissioner;

(13) failing to comply with an administrative or court order imposing a child support obligation upon the applicant or license holder; or

(14) failing to pay state income tax or comply with any administrative or court order directing payment of state income tax.

(b) In addition, the commissioner may deny, suspend, revoke or refuse renewal of a public adjuster's license if the commissioner finds that the interests of the public are not properly served under such license. Any action taken under this section which affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for a hearing conducted in accordance with the Kansas administrative procedure act.

(c) In lieu of any action under subsection (a), the commissioner may:

(1) Censure the individual; or

(2) issue an order imposing an administrative penalty up to a maximum of \$500 for each violation, but not to exceed \$2,500 for the same violation occurring within any six consecutive calendar months from the date of the original violation, unless such person knew or should have known that the violative act could give rise to disciplinary action under subsection (a). If such person knew or reasonably should have known the violative act could give rise to any disciplinary proceeding authorized by subsection (a), the commissioner may impose a penalty up to a maximum of \$1,000 for each violation, but not to exceed \$5,000 for the same violation occurring within any six consecutive calendar months from the date of the original violation.

(d) The commissioner shall remit all such fines collected under subsection (c) 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.

(e) The commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by this act against any individual who is under investigation for or charged with a violation of this act, even if the individual's license or registration has been surrendered or has lapsed by operation of law.

New Sec. 11. (a) Prior to issuance of a public adjuster license and for the duration of the license, the commissioner may require the applicant to furnish evidence of financial responsibility, in a format prescribed by the commissioner, by means of:

(1) A surety bond executed and issued by an insurer authorized to issue surety bonds in this state, which bond:

(A) Shall be in such reasonable amount as the commissioner may require;

(B) shall be in favor of the commissioner and shall specifically authorize recovery by the commissioner on behalf of any person in this state who sustains damages as the result of erroneous acts, failure to act, conviction of fraud or conviction of unfair practices in the applicant's capacity as a public adjuster; and

(C) shall not be terminated unless at least 30-days prior written notice has been filed by the insurer with the commissioner and given to the licensee.

(2) An irrevocable letter of credit issued by a qualified financial institution, which letter of credit:

(A) Shall be in such reasonable amount as the commissioner may require;

(B) shall be to an account of the commissioner and subject to lawful levy of execution on behalf of any person to whom the public adjuster has been found to be legally liable as the result of erroneous acts, failure to act, fraudulent acts or unfair practices in the applicant's capacity as a public adjuster; and

(C) shall not be terminated unless at least 30-days prior written notice has been filed by the issuer with the commissioner and given to the licensee.

(b) Where the commissioner has required an applicant to furnish evidence of financial responsibility pursuant to subsection (a):

(1) The issuer of the evidence of financial responsibility shall notify the commissioner upon termination of the bond or letter of credit, unless otherwise directed by the commissioner;

(2) the commissioner may ask for the evidence of the public adjuster's financial responsibility at any time the commissioner deems relevant; and

(3) the authority to act as a public adjuster shall terminate automatically if the evidence of financial responsibility terminates or becomes impaired.

New Sec. 12. (a) As used in this section:

(1) "Biennial due date" means the date of birth of any public adjuster who is required to complete continuing education credits and report the completion of the continuing education credits to the commissioner, except that such due date shall not be earlier than two years from the date of the public adjuster's initial licensure under this act.

(2) "Biennium" means, for any public adjuster who was born in an odd-numbered year, the two-year period starting with the public adjuster's biennial due date in 2011 and each two-year period thereafter. For any public adjuster who was born in an even-numbered year, such term means the two-year period starting with the public adjuster's biennial due date in 2012 and each two-year period thereafter.

(b) An individual, who holds a public adjuster license and who is not exempt under subsection (d), shall satisfactorily complete a minimum of 12 hours of continuing education courses, which shall include 11 hours of property/casualty or general continuing education courses and one hour of ethics, reported on a biennial basis in conjunction with the license renewal cycle. Only continuing education courses approved by the commissioner shall be used to satisfy the requirements of this subsection.

(c) Unless suspended, revoked or refused renewal pursuant to section 10, and amendments thereto, a public adjuster's license shall remain in effect as long as the education requirements for a resident public adjuster are met by such public adjuster's biennial due date.

(d) The continuing education requirements of this section shall not apply to licensees holding nonresident public adjuster licenses who have met the continuing education require-

ments of their home state and whose home state gives credit to residents of this state on the same basis.

New Sec. 13. (a) No public adjuster shall charge, agree to or accept as compensation or reimbursement any payment, commission, fee or other thing of value equal to more than 10% of any insurance settlement or proceeds.

(b) A public adjuster shall not pay a commission, service fee or other valuable consideration to a person for investigating or settling first party claims in this state, if that person is a business entity or is an individual required to be licensed under this act and is not so licensed.

(c) A person shall not accept a commission, service fee or other valuable consideration for investigating or settling first party claims in this state, if that person is a business entity or is an individual required to be licensed under this act and is not so licensed.

(d) No public adjuster shall require, demand or accept any fee, retainer, compensation, deposit or other thing of value, prior to settlement of a claim.

New Sec. 14. (a) Public adjusters shall ensure that all contracts for their services are in writing and contain the following:

- (1) Legible full name of the public adjuster signing the contract;
- (2) permanent home state business address and phone number of the public adjuster;
- (3) the public adjuster's license number;
- (4) title of "public adjuster contract";
- (5) the insured's full name, street address, insurance company name and policy number, if known or upon notification;
- (6) a description of the loss and its location, if applicable;
- (7) description of services to be provided to the insured;
- (8) signatures of the public adjuster and the insured;
- (9) the date the contract was signed by the public adjuster and the date the contract was signed by the insured;
- (10) attestation language stating that the public adjuster is fully bonded pursuant to this act; and

(11) full salary, fee, commission, compensation or other considerations the public adjuster is to receive for services to be rendered by the public adjuster for or on behalf of the insured.

(b) The public adjuster contract may specify that the public adjuster shall be named as a co-payee on an insurer's payment of a claim. If the compensation is based on a share of the insurance settlement, the exact percentage shall be specified. Compensation provisions in a public adjuster contract shall not be redacted in any copy of the contract provided to the commissioner.

(c) If the insurer, not later than 72 hours after the date on which the loss is reported to the insurer, either pays or commits in writing to pay to the insured the policy limit of the insurance policy, the public adjuster shall:

- (1) Not receive a commission consisting of a percentage of the total amount paid by an insurer to resolve a claim;
- (2) inform the insured that the loss recovery amount might not be increased by the insurer; and

(3) be entitled only to reasonable compensation from the insured for services provided by the public adjuster on behalf of the insured, based on the time spent on a claim and expenses incurred by the public adjuster, until the claim is paid or the insured receives a written commitment to pay from the insurer.

(d) A public adjuster shall provide the insured a written disclosure concerning any direct or indirect financial interest that the public adjuster has with any other party who is involved in any aspect of the claim, other than the salary, fee, commission or other consideration established in the written contract with the insured, including, but not limited to, any ownership of, other than as a minority stockholder, or any compensation expected to be received from, any construction firm, salvage firm, building appraisal firm, motor vehicle repair shop or any other firm that provides estimates for work, or that performs any work, in conjunction with damages caused by the insured loss on which the public adjuster is engaged. As used in this subsection, the word "firm" shall include any individual or business entity.

(e) A public adjuster contract may not contain any contract term that:

(1) Allows the public adjuster's percentage fee to be collected when money is due from an insurance company, but not paid, or that allows a public adjuster to collect the entire fee from the first check issued by an insurance company, rather than as percentage of each check issued by an insurance company;

(2) requires the insured to authorize an insurance company to issue a check only in the name of the public adjuster;

(3) imposes collection costs or late fees; or

(4) precludes a public adjuster from pursuing civil remedies.

(f) Prior to the signing of the contract the public adjuster shall provide the insured with a separate disclosure document regarding the claim process that states:

(1) Property insurance policies obligate the insured to present a claim to the insured's insurance company for consideration;

(2) there are three types of adjusters that could be involved in that process, and they are as follows:

(A) A company adjuster who is an employee of an insurance company, represents the interest of the insurance company, is paid by the insurance company and will not charge the insured a fee;

(B) An independent adjuster who is hired on a contract basis by an insurance company to represent the insurance company's interest in the settlement of the claim, who is paid by the insured's insurance company and will not charge the insured a fee; or

(C) A public adjuster who does not work for any insurance company but works for an insured to assist in the preparation, presentation and settlement of a claim. An insured engages a public adjuster by signing a contract agreeing to pay the public adjuster a fee or commission based on a percentage of the settlement, or other method of compensation;

(3) the insured is not required to hire a public adjuster to help the insured meet the insured's obligations under the policy, but has the right to do so;

(4) the insured has the right to initiate direct communications with the insured's attorney, the insurer, the insurer's adjuster and the insurer's attorney, or any other person regarding the settlement of the insured's claim;

(5) the public adjuster is not a representative or employee of the insurer;

(6) the salary, fee, commission or other consideration is the obligation of the insured, not the insurer.

(g) The contracts shall be executed in duplicate to provide an original contract to the public adjuster and an original contract to the insured. The public adjuster's original contract shall be available at all times for inspection without notice by the commissioner.

(h) The public adjuster shall provide the insurer a notification letter, which has been signed by the insured, authorizing the public adjuster to represent the insured's interest.

(i) The insured has the right to rescind the public adjuster contract within three business days after the date the contract was signed. The rescission shall be in writing and mailed or delivered to the public adjuster at the address in the contract within the three business day period.

(j) If the insured exercises the right to rescind the contract, anything of value given by the insured under the contract will be returned to the insured within 15 business days following the receipt by the public adjuster of the rescission notice.

New Sec. 15. (a) A public adjuster shall maintain a complete record of each transaction as a public adjuster. The records required by this section shall include the following:

(1) Name of the insured;

(2) date, location and amount of the loss;

(3) copy of the contract between the public adjuster and insured;

(4) name of the insurer and the amount, expiration date and number of each policy carried by the insured with respect to the loss;

(5) itemized statement of the insured's recoveries;

(6) itemized statement of all compensation received by the public adjuster, from any source whatsoever, in connection with the loss;

(7) a register of all moneys received, deposited, disbursed or withdrawn in connection with a transaction with an insured, including fees, transfers and disbursements from a trust account and all transactions concerning all interest-bearing accounts;

- (8) name of public adjuster who executed the contract;
 - (9) name of the attorney representing the insured, if applicable, and the name of the claims representatives of the insurance company; and
 - (10) evidence of financial responsibility in the format prescribed by the commissioner.
- (b) Records shall be maintained for at least five years after the termination of the transaction with an insured and shall be open to examination by the commissioner at all times.
- (c) Records submitted to the commissioner in accordance with this section that contain information identified in writing as proprietary by the public adjuster shall be treated as confidential by the commissioner and shall not be open for inspection under the Kansas open records act.
- (d) The provisions of subsection (c) shall expire on July 1, 2014, unless the legislature acts to reenact such provisions. The provisions of subsection (c) shall be reviewed by the legislature prior to July 1, 2014.

New Sec. 16. (a) A public adjuster is obligated, under the public adjuster's license, to serve with objectivity and complete loyalty, the interest of the insured only and to render to the insured such information, counsel and service, as within the knowledge, understanding and opinion in good faith of the public adjuster, as will best serve the insured's insurance claim needs and interest.

(b) A public adjuster shall not solicit, or attempt to solicit, an insured during the progress of a loss-producing occurrence, as defined in the insured's insurance contract.

(c) A public adjuster shall not permit an unlicensed employee or representative of the public adjuster to conduct business for which a license is required under this act.

(d) A public adjuster shall not have a direct or indirect financial interest in any aspect of the claim, other than the salary, fee, commission or other consideration established in the written contract with the insured, unless full written disclosure has been made to the insured as set forth in section 14, and amendments thereto.

(e) A public adjuster shall not acquire any interest in salvage of property subject to the contract with the insured, unless the public adjuster obtains written permission from the insured after settlement of the claim with the insurer as set forth in section 14, and amendments thereto.

(f) The public adjuster shall abstain from referring or directing the insured to get needed repairs or services in connection with a loss from any person, unless disclosed to the insured:

- (1) With whom the public adjuster has a financial interest; or
- (2) from whom the public adjuster may receive direct or indirect compensation for the referral.

(g) The public adjuster shall disclose to an insured if the public adjuster has any interest or will be compensated by any construction firm, salvage firm, building appraisal firm, motor vehicle repair shop or any other firm that performs any work in conjunction with damages caused by the insured loss. As used in this subsection "firm" shall include any business entity or individual.

(h) Any compensation or anything of value in connection with an insured's specific loss that will be received by a public adjuster shall be disclosed by the public adjuster to the insured in writing, including the source and amount of any such compensation.

(i) Public adjusters shall adhere to the following general ethical requirements:

(1) A public adjuster shall not undertake the adjustment of any claim if the public adjuster is not competent and knowledgeable as to the terms and conditions of the insurance coverage, or which otherwise exceeds the public adjuster's current expertise;

(2) a public adjuster shall not knowingly make any oral or written material misrepresentations or statements which are false or maliciously critical and intended to injure any person engaged in the business of insurance to any insured client or potential insured client;

(3) no licensed public adjuster may represent or act as a company adjuster or independent adjuster on the same claim;

(4) the public adjuster contract shall not be construed to prevent an insured from pursuing any civil remedy after the three-business day revocation or cancellation period;

(5) a public adjuster shall not enter into a contract or accept a power of attorney that vests in the public adjuster the effective authority to choose the persons who shall perform repair work; and

(6) a public adjuster shall ensure that all contracts for the public adjuster's services are in writing and set forth all terms and conditions of the engagement.

(j) A public adjuster may not agree to any loss settlement without the insured's knowledge and consent.

New Sec. 17. (a) The public adjuster shall report to the commissioner any administrative action taken against the public adjuster in another jurisdiction or by another governmental agency in this state within 30 days of the final disposition of the matter. This report shall include a copy of the order, consent to order or other relevant legal documents.

(b) Within 30 days of the initial pretrial hearing date, the public adjuster shall report to the commissioner any criminal prosecution of the public adjuster taken in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing and any other relevant legal documents.

New Sec. 18. The commissioner shall promulgate such reasonable rules and regulations as are necessary to carry out the provisions of this act. The commissioner shall adopt such rules and regulations by July 1, 2010.

New Sec. 19. If any provisions of this act, or the application of a provision to any person or circumstances, shall be held invalid, the remainder of the act, and the application of the provision to persons or circumstances other than those to which it is held invalid, shall not be affected.

New Sec. 20. On and after July 1, 2009, the commissioner may adopt by rules and regulations, any later version of the RBC instructions promulgated by the NAIC, which are consistent with the provisions of this act, including the provisions of K.S.A. 40-2c03, and amendments thereto, provided that before any later version may be adopted by the commissioner in rules and regulations, the commissioner shall prepare an impact statement indicating the projected impact upon domestic insurers and notify any affected insurer of the projected impact. If the projected impact is likely to cause the amount of a domestic insurer's total adjusted capital or its RBC report for the previous year to vary by more than 2.5% or to cause a domestic insurer's control level to change upon application of the later version of the risk-based capital instructions, then such later version shall not be adopted in rules and regulations until such later version is approved by legislative action.

Sec. 21. On and after July 1, 2009, K.S.A. 2008 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, ~~2007~~ 2008, or any later version promulgated by the NAIC as may be adopted by the commissioner under section 20, 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. 22. On and after July 1, 2009, K.S.A. 2008 Supp. 40-229a is hereby amended to read as follows: 40-229a. (a) (1) (A) All cash, securities, real estate deeds, mortgages or other assets deposited with the commissioner of insurance pursuant to the provisions of the insurance code of the state of Kansas shall be deposited with any Kansas financial institution acceptable to the commissioner through which a custodial or controlled account, a joint custody receipt arrangement or any combination of these or other measures that are acceptable to the commissioner is used.

(B) All such deposits shall be held by such financial institution on behalf of the commissioner in trust for the use and benefit of such company and such company's policyholders and creditors. Such assets shall be released from such deposits only upon written approval of the commissioner.

(C) All income from deposits belong to the depositing organization and shall be paid to it as it becomes available. The commissioner, upon written approval, may direct the financial institution to permit exchange of securities or assets upon deposit of specified substituted securities or assets.

(D) All forms for deposit, withdrawal or exchange shall be prescribed, prepared and furnished by the commissioner and no facsimile signatures shall be used or recognized.

(E) The commissioner or assistant commissioner of insurance or insurance department employee authorized by the commissioner may at any time inspect the securities on deposit in any such financial institution.

(F) Nothing in this act shall be construed to hold the state of Kansas, the commissioner, assistant commissioner or authorized employee liable either personally or officially for any default of such financial institution.

(2) Real estate shall be deposited with the commissioner by the depositing organization executing a deed or assignment conveying title thereto to the commissioner, in trust for the use and benefit of such company. Such deeds or assignment shall be recorded in the office of the register of deeds of the county in which such real estate is situated. When the depositing organization is authorized to withdraw real estate from deposit, the commissioner shall execute deeds to such organization or such other persons, companies or corporations as directed by such organization. The costs of registering such deeds shall be paid by the depositing organization.

(3) All deposits made with the commissioner shall be audited by the commissioner and the state treasurer not less frequently than once each three years. The commissioner may accept an audit performed by another governmental agency acceptable to the commissioner, in lieu of this audit requirement.

(b) Assets, except real estate assets, deposited pursuant to this section shall be held by the custodian on behalf of the commissioner as in trust for the use and benefit of the

depositing organization. Such assets shall remain the specific property of the organization and shall not be subject to the claim of any third party against the custodian.

(c) The custodian is authorized to redeposit such assets with a clearing corporation as defined in K.S.A. 84-8-102 and amendments thereto, if such clearing corporation is domiciled in the United States. The custodian is authorized to hold such assets through the federal reserve bank book-entry system.

(d) The commissioner shall adopt rules and regulations to establish requirements relating to deposits under this section appropriate to assure the security and safety of such deposits, including but not limited to the following:

- (1) Capital and surplus of the custodian;
- (2) title in which deposited assets are held;
- (3) records to be kept by the custodian and the commissioner's access thereto;
- (4) periodic reports by the custodian to the commissioner;
- (5) responsibility of the custodian to indemnify the depositor for loss of deposited assets;
- (6) withdrawal or exchange of deposited assets; and
- (7) authority of the commissioner to terminate the deposit if the condition of the custodian should threaten the security of the deposited assets.

(e) As used in this section:

(1) "Commissioner" means the commissioner of insurance; and

(2) "financial institution" means a *federal home loan bank*, a savings and loan association and savings bank organized under the laws of the United States or another state, a national bank, state bank or trust company, which have main or branch offices in this state, shall at all times during which such *federal home loan bank*, savings and loan association, savings bank, national bank, state bank or trust company acts as a custodian be:

(A) No less than adequately capitalized as determined by the standards adopted by the ~~United States banking regulators~~ *regulator charged with establishing standards for, and assessing, the institution's solvency;*

(B) regulated by either state or federal banking laws, *the federal home loan bank act*, as amended or is a member of the federal reserve system; and

(C) legally qualified to accept custody of securities.

(3) "Main office" and "branch" shall have the meanings ascribed to such terms in K.S.A. 9-1408 and amendments thereto.

Sec. 23. On and after July 1, 2009, K.S.A. 40-2a20 is hereby amended to read as follows: 40-2a20. (a) Any insurance company other than life organized under any law of this state, with the direction or approval of a majority of its board of directors or authorized committee thereof, may:

(1) Adopt a nominee name unique to such insurance company in which such insurance company's securities may be registered;

(2) designate a state or national bank or a *federal home loan bank* having trust powers to obtain a nominee name for such insurance company in which such insurance company's securities may be registered; or

(3) designate a state or national bank having trust powers as trustee to make any investment authorized by this act in the name of such trustee or such trustee's nominee.

(b) Under the provisions of paragraphs (2) and (3) of subsection (a), the designated state or national bank or the *federal home loan bank* may arrange for such securities to be held in a clearing corporation. Such arrangement must be in accordance with a written agreement, approved by the commissioner of insurance, between the insurance company and its designated bank and must impose the same degree of responsibility on the bank as if such securities were held in definitive form by such bank.

(c) As used in this section "clearing corporation" means: (1) A corporation defined in subsection (5) of K.S.A. 84-8-102, and amendments thereto;

(2) any organization or system for clearance and settlement of securities transactions which is operated or owned by a bank, trust company or other entity that is subject to regulation by the United States federal reserve board or the United States comptroller of the currency; or

(3) any clearing agency registered with the securities and exchange commission pursuant to the securities exchange act of 1934, section 17A, and amendments thereto.

Sec. 24. On and after July 1, 2009, K.S.A. 40-2b20 is hereby amended to read as follows: 40-2b20. (a) Any life insurance company organized under any law of this state, with the direction or approval of a majority of its board of directors, may:

(1) Adopt a nominee name unique to such insurance company in which such insurance company's securities may be registered;

(2) designate a state or national bank *or a federal home loan bank* having trust powers to obtain a nominee name for such insurance company in which such insurance company's securities may be registered; or

(3) designate a state or national bank having trust powers as trustee to make any investment authorized by this act in the name of such trustee or such trustee's nominee.

(b) Under the provisions of paragraphs (2) and (3) of subsection (a), the designated state or national bank *or the federal home loan bank* may arrange for such securities to be held in a clearing corporation. Such arrangement must be in accordance with a written agreement, approved by the commissioner of insurance, between the insurance company and its designated bank and must impose the same degree of responsibility on the bank as if such securities were held in definitive form by such bank.

(c) As used in this section "clearing corporation" means: (1) A corporation defined in subsection (3) of K.S.A. 84-8-102, and amendments thereto;

(2) any organization or system for the clearance and settlement of securities transactions which is operated or owned by a bank, trust company or other entity that is subject to regulation by the United States federal reserve board or the United States comptroller of the currency; or

(3) any clearing agency registered with the securities and exchange commission pursuant to the securities exchange act of 1934, section 17A, and amendments thereto.

Sec. 25. On and after July 1, 2009, K.S.A. 2008 Supp. 40-2136 is hereby amended to read as follows: 40-2136. Each issuer of qualified long-term care partnership program policies in this state shall: (a) Provide regular reports to both the secretary of the United States department of human services in accordance with federal law and regulations and to the Kansas health policy authority and the commissioner of insurance as provided in section 6021 of the federal deficit reduction act of 2005, public law 109-171.

(b) Provide to consumers a notice explaining the benefits associated with a partnership policy and indicating that at the time issued, the policy is a qualified state long-term care insurance partnership policy at a time and in a manner to be determined by the commissioner of insurance.

(c) Submit a partnership certification form signed by an officer of the company with all policies submitted for certification as partnership policies.

(d) Obtain verification that producers receive training required by the commissioner of insurance before a producer is permitted to sell, solicit or negotiate the insurer's long-term care insurance products, maintain records of compliance, and make the verification available to the commissioner of insurance upon request.

(e) Maintain records with respect to the training of its producers concerning the distribution of its partnership policies that will allow the department of insurance to provide assurance to the Kansas health policy authority that producers have received the training required by the commissioner of insurance and that producers have demonstrated an understanding of the partnership policies and their relationship to public and private coverage of long-term care, including medical assistance in this state. These records shall be maintained and made available to the commissioner of insurance upon request.

(f) (1) *Offer, on a one time basis, in writing, to all existing policyholders that were issued long-term care coverage of the type certified by the insurer on or after February 8, 2006, the option to exchange their existing long-term care coverage for coverage that is intended to qualify under Kansas' long-term care partnership program. The mandatory offer of an exchange shall only apply to products issued by the insurer that are comparable to the type of policy form, such as group policies and individual policies and on the policy series that the company has certified as partnership qualified;*

(2) *the offer shall remain open for a minimum of 45 days from the date of mailing by the insurer;*

(3) the offer shall be made on a nondiscriminatory basis without regard to the age or health status of the insured. However, the insurer may underwrite if the policy is amended to provide additional benefits or the exchange would require the issuance of a new policy. Any portion of the policy that was issued prior to the exchange date shall be priced based on the policyholder's age when the policy was originally issued. Any portion of the policy that is added as a result of the exchange may be priced based on the policyholder's age at the time of the exchange;

(4) if there is no change in coverage material to the risk, policies exchanged under this provision shall not be subject to any medical underwriting;

(5) notwithstanding paragraphs (1) and (3), an insurer is not required to offer an exchange to an individual who is eligible for benefits within an elimination period, who is, or who has been in claim status or who would not be eligible to apply for coverage due to issue age or plan design limitations under the new policy. The insurer may require that policyholders meet all eligibility requirements, including plan design, underwriting, if applicable and payment of the required premium;

(6) policies issued pursuant to this section shall be considered exchanges and not replacements and are not subject to K.A.R. 40-4-37i; and

(7) a policy received in an exchange after the effective date of the long-term care partnership program act is treated as newly issued and is eligible for partnership policy status. For purposes of applying the medicaid rules relating to Kansas' long-term care partnership program, the addition of a rider, endorsement or change in schedule page for a policy may be treated as giving rise to an exchange.”;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 15, preceding “K.S.A.” by inserting “On and after January 1, 2010.”;

On page 7, following line 39, by inserting the following:

“Sec. 27. On and after July 1, 2009, K.S.A. 2008 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. 2008 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. 2008 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 inmate or releasee, except that the disclosure of the location of an inmate 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.

(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.*

(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.

New Sec. 28. (a) An individual who qualifies as an assistance eligible individual on or after March 1, 2009, under the American recovery and reinvestment act of 2009 may elect special assisted continuation of coverage as provided in the American recovery and reinvestment act of 2009.

(b) An individual who does not have continuation of coverage as described in K.S.A. 40-2209(i), and amendments thereto, in effect on March 1, 2009, but who would be an assistance eligible individual under the American recovery and reinvestment act of 2009 if such assistance had been in effect, may elect special assisted continuation of coverage pursuant to this subsection.

(c) The employer of the terminated employee shall provide the additional notice of the right to elect coverage pursuant to this section as required by the American recovery and reinvestment act of 2009.

(d) Election as required by the American recovery and reinvestment act of 2009 shall be made by an assistance eligible individual to the insurer.

(e) Special assisted continuation of coverage elected pursuant to this section shall commence with the first period of assisted continuation of coverage beginning on or after the date of the enactment of the American recovery and reinvestment act of 2009 and shall

extend for the period of special assisted continuation of coverage allowed by the American recovery and reinvestment act of 2009 and amendments thereto.

(f) With respect to individuals who elect special assisted continuation coverage pursuant to this section, the 18 months of continuation coverage required by K.S.A. 40-2209(i), and amendments thereto, shall commence on the date an individual qualifies for continuation of coverage and shall terminate 18 months thereafter with the period of special assisted continuation coverage included therein.

(g) With respect to an individual who elects special assisted coverage pursuant to this section, any preexisting conditions arising between the date of the qualifying event and ending with the first period of coverage beginning on or after the date of the enactment of the American recovery and reinvestment act of 2009 shall be disregarded for the purpose of determining the 63-day period referred to in K.S.A. 40-2209(a)(8)(L), and amendments thereto.

(h) An individual applying for special assisted continuation coverage must provide the individual's social security number to the insurer.

(i) Premiums for special assistance continuation of coverage shall be paid by the assistance eligible individual to the insurance carrier.

(j) An individual eligible for assisted continuation of coverage who elects such coverage shall be entitled to the premium subsidy provided in the American recovery and reinvestment act of 2009, and amendments thereto, so long as they meet the requirements for special assisted continuation coverage pursuant to the terms of the American recovery and reinvestment act of 2009.

(k) The insurer shall pay the subsidy required by the American recovery and reinvestment act of 2009, and amendments thereto. Such insurer shall have the right to reimbursement for the subsidy as set forth in the American recovery and reinvestment act of 2009.

(l) In all cases in which an individual described above pays the premium for continuation of coverage, the individual shall have the right to continuation of coverage for 18 months as set forth in K.S.A. 40-2209(i), and amendments thereto, with any period of premium subsidy counted toward that individual's period of continuation of coverage. In no case, shall an individual be entitled to more than 18 months of continuing of coverage or more than nine months of special assisted continuing coverage.

(m) The provisions of this section shall expire on January 1, 2011.

Sec. 29. On and after July 1, 2009, K.S.A. 40-2a20 and 40-2b20 and K.S.A. 2008 Supp. 40-229a, 40-2c01, 40-2c01a, 40-2136 and 45-221 are hereby repealed.”;

And by renumbering sections accordingly;

Also on page 7, in line 40, preceding “K.S.A.” by inserting “On and after January 1, 2010.”; by striking all in lines 41 and 42 and inserting the following:

“Sec. 31. This act shall take effect and be in force from and after its publication in the Kansas register.”;

On page 1, in the title, in line 10, by striking all following “the”; in line 11, by striking all preceding the semicolon and inserting “regulation thereof”; also in line 11, by striking all following “amending”; in line 12, by striking all preceding the period and inserting “K.S.A. 40-2a20 and 40-2b20 and K.S.A. 2008 Supp. 40-229a, 40-2c01, 40-2136, 40-3008 and 45-221 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 40-2c01a”;

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. Shultz to adopt the conference committee report on **HB 2052**, Rep. A. Brown 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. Shultz and the conference committee report was adopted.

On roll call, the vote was: Yeas 103; Nays 16; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, 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, Hineman, C. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, Kiegerl, King, KleeB, Kuetner, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, A. Brown, Brunk, Craft, Donohoe, Faber, Kelley, Kinzer, Knox, Mast, McLeland, Merrick, Peck, Powell, Schwartz, Siegfried.

Present but not voting: None.

Absent or not voting: George, Hill, M. Holmes, Huebert, Lane, Yoder.

REPORT ON ENGROSSED BILLS

HB 2096, HB 2172 reported correctly engrossed April 3, 2009.

Sub. HB 2008; S. Sub. for HB 2126, S. Sub. for HB 2260; HB 2292 reported correctly re-engrossed April 3, 2009.

REPORT ON ENROLLED BILLS

HB 2001, HB 2059, HB 2111, HB 2131, HB 2134, HB 2165, HB 2343, HB 2359 reported correctly enrolled, properly signed and presented to the governor on April 3, 2009.

REPORT ON ENROLLED RESOLUTIONS

HCR 5015 reported correctly enrolled and properly signed on April 3, 2009.

HR 6011, HR 6022, HR 6023, HR 6024, HR 6027 reported correctly enrolled and properly signed on April 3, 2009.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Wednesday, April 29, 2009.

Journal of the House

FIFTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, April 29, 2009, 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.
Rep. Sloan was excused on legislative business.
Reps. George and Landwehr were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Father God,
In Proverbs 16, it tells us that . . .
"Mortals make elaborate plans,
but God has the last word.
Humans are satisfied with whatever *looks* good;
God probes for what *is* good."
In this past session,
we have worked hard at what
we believed was best for our state.
We now begin a session to
take another look at these decisions.
Guide us through this process
and may we commit ourselves to the next
proverb in this passage,
"Put God in charge of your work,
then what you've planned will take place."
(Proverbs 16:1-3)
Please be with the families of Representatives
George and Landwehr in the recent loss of loved ones.
Give them strength, comfort and grace during these days.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Neighbor.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. M. Holmes are spread upon the journal:

I'd like to introduce the St. John Tigers, who won the 1A State Championship for not just one sport, but two! This year the St. John girls won both the championship for volleyball and basketball. Last year we were 2A, but due to declining enrollment, the Tigers have been reclassified as 1A. Most of these girls played on both teams. And . . . just a few weeks ago we attended the school play and saw many of these girls do a wonderful job on the stage. In fact, we saw them in the play last semester, as well! This is a very talented group of young women who deserve the many accolades and ovations they've received already.

I'd like to recognize them by name: Tori Astle, Brooke Burgan, Beth Cornwell, Kayla Crissman, Alisha Fanshier, Sarah Johnson, Lyndsey Jones, Kory Kirkpatrick, Ava Long,

Christa Milton, Alyssa Roberts, Ariel Smith, Teresa Wade, Abbie Ward and Daniele Wendland. Team Managers are: Amber Gould, Brittany Hazelwood and Ashley Smith.

Our basketball coach is Danny Smith, assisted by Dave Losey. Our volleyball coach is Trish Wade assisted by Sheila Witt.

Please join me in recognizing the Saint John Tigers Girls' Basketball and Volleyball 1A State Champions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2401. An act concerning the Kansas bioscience authority; relating to the bioscience development and investment fund; amending K.S.A. 2008 Supp. 74-99b34 and repealing the existing section, by Committee on Appropriations.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Fund are spread upon the journal:

Mr. Speaker, I wish to introduce Amanda Steiner, Ms. Wheelchair Kansas 2008, Carrie Greenwood, State Coordinator and Ms. Wheelchair Kansas 2004, and Marie Clement of Mayetta, Kansas Ms. Wheelchair Kansas 2009.

Marie Clement of Mayetta received her crown after participating in four judging sessions, as well as many other activities.

Marie, the new titleholder, has dedicated most of her life to giving back to other people. She is married and has three children and lived in Kansas for the last six years. She and her family are members of the Prairie Band Potawatomi Nation. Outside of taking care of her family, she loves gardening and planting flowers, beading, crocheting, stained glass, and decoupage. Marie is a quadriplegic, and has a passion for increasing public accessibility. Her goal is to educate others about improving the lives of people with disabilities.

It gives me great pleasure to present this certificate and congratulate Marie Clements, Ms. Wheelchair Kansas, 2009.

Rep. Fund presented Marie with a framed House certificate.

INTRODUCTION OF GUESTS

There being no objection, the following remarks by Rep. Ballard are spread upon the journal:

Today we are pleased to recognize the University of Kansas Debate Team.

Brett Bricker and Nate Johnson of the University of Kansas defeated defending national champion Wake Forest to win the National Debate Tournament Championship.

Bricker and Johnson topped 78 intercollegiate teams competing at the tournament held March 26-31 at the University of Texas-Austin. They defeated California-Berkeley in the semifinal to advance to the championship round.

This is KU's fifth national debate title, having previously won in 1954, 1970, 1976 and 1983. KU has had a team in the National Debate Tournament for each of the past 42 years.

Bricker, a mathematics major, is the son of Gary and Norma Bricker and a graduate of Wichita High School Southeast. Johnson, who is majoring in philosophy, political science and psychology, is the son of Ron and Betty Johnson and a graduate of Manhattan High School.

Led by 18-year head coach Scott Harris, named national coach of the year in 2006, the KU debate team also won two other national tournaments this season.

Brothers Patrick and Sean Kennedy, both Leawood sophomores, defeated Georgetown to win first place at the Freshman/Sophomore Nationals, held in East Lansing, Michigan.

At the National Junior Division Debate Tournament in Overland Park, two KU teams tied for first place. Patrick Kennedy and Matthew Peterson, Wichita junior, went 12-0 and defeated Kansas State University in the semifinals. Mark Wilkins, Topeka sophomore, and Andrew Jack, Lawrence and Manhattan junior, were 11-1, defeating the University of Minnesota in the other semifinal.

Last season, the KU debate team finished the year ranked first in the national varsity rankings.

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.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2402, An act concerning fair pricing of crude oil, by Committee on Federal and State Affairs.

HB 2403, An act creating the transparency and accountability in purchasing and state spending act, by Committee on Appropriations.

MESSAGES FROM THE GOVERNOR

HB 2050, HB 2185, HB 2201 approved on April 6, 2009.

Also, **HB 2002, HB 2171, HB 2233, HB 2258** approved on April 7, 2009.

Also, **HB 2098** approved on April 8, 2009.

Also, **HB 2001, HB 2059, HB 2131, HB 2343, HB 2359** approved on April 10, 2009.

Also, **HB 2052, HB 2111, HB 2134, HB 2165** approved on April 13, 2009.

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **S. Sub. for Sub. HB 2014**, An act concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 19-101a, 55-1,117, 65-3012 and 66-104d and K.S.A. 2008 Supp. 65-3005, 65-3008a, 66-1,184, 74-99d07 and 74-99d14 and repealing the existing sections; also repealing K.S.A. 19-101m, 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 2014**.

Last year, I vetoed legislation that forced the Secretary of the Kansas Department of Health and Environment to issue air quality permits for two new coal fired plants which would produce 11 million tons of carbon dioxide each year. These new plants would generate 1400 megawatts of electricity, most of which would be exported to Colorado and Texas. In fact, Kansas would only get 200 megawatts of electricity, while we would get all of the new pollution.

I vetoed that legislation because while the rest of the country was trying to reduce greenhouse emissions, Kansas would be creating massive new emissions for power we don't need. Additionally, it appeared that federal legislation that would penalize new carbon dioxide emissions was on the horizon leaving Kansans vulnerable for years to come.

The bill before me now attempts to take us down that failed path once again. What was a bad idea last year, is an even worse idea today. Now, we know that according to Sunflower Electric's own reports, their customers will not need additional power until 2018. We also know that President Obama is moving aggressively to regulate new carbon dioxide emissions. These developments reaffirm that now is not the time for new coal plants in Kansas.

Prior to the start of this legislative session, Lieutenant Governor Parkinson and I worked with utility stakeholders to develop a renewable portfolio standard that would have further developed the natural resource we have in wind energy. Our proposed energy legislation contained real net-metering so that Kansans would be fairly compensated for power they generated; we also included energy efficiency measures to reduce our future energy needs.

We presented these proposals to the legislature, with the hope that the legislature would move towards a renewable energy economy creating thousands of jobs right here in Kansas.

However, the legislature chose instead to sacrifice real comprehensive energy legislation in the pursuit of more coal-fired power plants.

Despite what supporters of this legislation say, HB 2014 does little to advance clean, renewable energy. In fact, the renewable energy standards established in HB 2014 are less than the voluntary standards we already have today. The net metering provisions in the bill are weaker than any of the 42 states that currently offer net metering to utility consumers.

Kansas needs legislation that will increase development of our renewable energy resources, increase energy efficiency measures and create good-paying jobs. Once again, as the rest of the country moves toward a renewable energy future, the legislature is intent on darkening Kansas' energy future with new coal plants that will provide energy we don't yet need.

I encourage the legislature to abandon its efforts to saddle Kansas with massive new carbon dioxide emissions, and instead adopt a plan that will take advantage of our enormous wind assets and really look at energy efficiency as a way to stretch our power sources well into the future while creating thousands of sustainable Kansas jobs.

KATHLEEN SEBELIUS
Governor

Dated: April 13, 2009

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **S. Sub. for HB 2354**, An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012 and June 30, 2013, and June 30, 2014, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending section 3 of chapter 159 of the 2008 Session Laws of Kansas, section 95 of 2009 House Substitute for Substitute for Senate Bill No. 23 and K.S.A. 2008 Supp. 2-223, 12-5256, 55-193, 75-6702, 76-7,107, 79-2959, 79-2964, 79-2978, as amended by section 88 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-2979, as amended by section 89 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-3425i, 79-4801 and 82a-953a and repealing the existing sections, was received and read.

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

In January, I presented the legislature a balanced budget for Fiscal Year 2010 that cut state spending while protecting our schools and our most vulnerable Kansans. In the months following my budget proposal, it became clear that state revenues would continue to decline dramatically as a result of the national economic recession. That's why my budget, and its subsequent budget amendments, proposed millions of dollars in additional savings.

Unfortunately, the legislature chose not to take action on a number of these cost saving measures. Consequently, the additional cuts to education and services the legislature has imposed in this bill give me pause, particularly when they chose to leave millions of dollars in revenue on the table that would have made these cuts unnecessary.

Furthermore, the American Reinvestment and Recovery Act provides Kansas an opportunity to protect our investment in our children's education. Because there is still uncertainty regarding the minimum threshold of funding a state must maintain to access these funds, we should not put this funding in jeopardy. I encourage the legislature to reconsider the revenue enhancements they have chosen to ignore, before further slashing education and other vital state services.

Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return **S. Sub. for HB 2354** with my signature approving the bill, except for the items enumerated below:

Kansas Savings Incentive Program

KSIP Authorization

Sections 30, 98(i), and 100 have been line-item vetoed in their entirety.

As part of my budget recommendations, I abolished this program and swept available monies to the State General Fund. The legislature chose to reinstate the program for FY 2010. This action is contrary to the purpose of strategically reducing agency budgets and should be reconsidered.

Kansas Technology Enterprise Corporation

Agency Status

Section 56 has been line-item vetoed in its entirety.

I believe that the State of Kansas has an important role in encouraging economic development and helping Kansas get through economically difficult times. The challenges that Kansas has experienced with the downturn of the economy also bring great opportunities. Kansas needs to reexamine its economic development efforts to ensure that they are focused, efficient and positioned to grow the economy in the future. In light of recent evaluations of the Kansas Technology Enterprise Corporation (KTEC), and given our limited state resources, it makes little sense to use the same system and expect different results. KTEC, under its current organization and operation, has struggled to produce a solid return on our investment in recent years. Therefore, I veto this section to allow the legislature to thoroughly review this program to ensure Kansas is positioned to develop a strong economy for years to come.

Regents System

Use of State Fiscal Stabilization Fund Monies

That portion of Section 72(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Fort Hays state university shall be expended only for deferred maintenance.”

That portion of Section 73(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university shall be expended only for deferred maintenance.”

That portion of Section 74(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university extension systems and agriculture research programs shall be expended only for deferred maintenance.”

That portion of Section 75(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university veterinary medical center shall be expended only for deferred maintenance.”

That portion of Section 76(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Emporia state university shall be expended only for deferred maintenance.”

That portion of Section 77(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Pittsburg state university shall be expended only for deferred maintenance.”

That portion of Section 78(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—university of Kansas shall be expended only for deferred maintenance.”

That portion of Section 79(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—university of Kansas medical center shall be expended only for deferred maintenance.”

That portion of Section 80(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Wichita state university shall be expended only for deferred maintenance.”

That portion of Section 81(b) that reads as follows has been line-item vetoed:

“Provided, That all moneys credited to the federal higher education fiscal stabilization fund shall be expended only for deferred maintenance.”

That portion of Section 81(b) that reads as follows has been line-item vetoed:
 “*Provided*, That all moneys credited to the federal higher education fiscal stabilization fund—community colleges shall be expended only for deferred maintenance.”

That portion of Section 81(b) that reads as follows has been line-item vetoed:
 “*Provided*, That all moneys credited to the federal higher education fiscal stabilization fund—municipal university shall be expended only for deferred maintenance.”

That portion of Section 81(b) that reads as follows has been line-item vetoed:
 “*Provided*, That all moneys credited to the federal higher education fiscal stabilization fund—postsecondary technical education shall be expended only for deferred maintenance.”

Early in FY 2009 the Kansas higher education system began to plan for the possibility that state support in FY 2010 could be as much as 7.0 percent below the approved level for FY 2009. Although the cuts are planned, they will have a significant and negative impact across the state’s system. However, given the enacted budget, the Board of Regents has stated that its plan would be to allocate the Recovery Act funds for deferred maintenance as well as tuition cost mitigation. The board notes that it would be unable impose a tuition freeze if the level of state support fell below what I have proposed for FY 2010. Now is not the time to make college less affordable.

My veto of the Federal Higher Education Fiscal Stabilization Fund provisos for FY 2010 will allow the Board of Regents to implement its plan and become a partner with the state in these challenging times. I therefore find it necessary to veto these constraints placed on the Federal Higher Education Fiscal Stabilization Fund.

Animal Health

Transfer of Federal Monies to the State General Fund

Section 93(f) has been line-item vetoed in its entirety.

The Greensburg Account of the Disease Control—Federal Fund was established to receive federal reimbursement for the Animal Health Department’s expenditures related to expenses incurred during the Greensburg tornado recovery and care of animals. This section, as written, does not follow proper accounting procedures for a transfer of these federal monies to the State General Fund. Given the enormous impact federal funds have on our budget, we must properly account for the monies.

KATHLEEN SEBELIUS
Governor

Dated: April 13, 2009

MESSAGES FROM THE GOVERNOR

Sub. HB 2008; S. Sub. for HB 2126; HB 2308 approved on April 17, 2009.

Also, **S. Sub. for HB 2096; HB 2292** approved on April 20, 2009.

Also, **S. Sub. for HB 2085; HB 2152, HB 2155; S. Sub. for HB 2260; HB 2324, HB 2331** approved on April 23, 2009.

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor’s objection to **HB 2121**, An act concerning agriculture; relating to pesticide and fertilizer programs; fees; fees for milk and dairy products; amending K.S.A. 2-2203, 2-2205, 2-2206, 2-2207, 2-2209, 2-2214, 2-2440a, 2-2440c, 2-2440e, 2-2446, 2-2449, 2-2450, 2-2454, 2-2455, 2-2470 and 2-2471 and K.S.A. 2008 Supp. 2-1205, 2-2202, 2-2204, 2-2438a, 2-2440, 2-2440b, 2-2441a, 2-2443a, 2-2445a, 2-2469, 2-2905, 2-2906, 2-3304, 2-3306, 2-3309, 65-778 and 65-781 and repealing the existing sections; also repealing K.S.A. 2-1211 and 2-2466, 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 **HB 2121**.

HB 2121 contains a number of provisions relating to pesticide and fertilizer laws and fees as well as dairy inspection and dairy-related fees. Without these fees, Kansas could lose

important programs that support essential agricultural business operations in our state. I urge the legislature to send me these components in an independent bill so I can affix my signature and the Department of Agriculture can effectively administer these programs.

However, the Bill before me also provides for changes in dairy labeling that could make it more difficult to provide consumers with clear information.

The milk labeling provisions negatively impact a dairy producer's ability to inform consumers that milk is from cows not treated with recombinant bovine growth hormone (rBST).

Supporters of the bill claim it's necessary to protect consumers from false or misleading information. Yet there has been overwhelming opposition by consumer groups, small dairy producers and retailers to this proposed legislation.

Furthermore, I am concerned that patchwork labeling requirements that differ from state to state will make it too expensive, in an already troubled economy, to provide consumers with information regarding the dairy products they purchase.

KATHLEEN SEBELIUS
Governor

Dated: April 23, 2009

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **HB 2172**, An act concerning sales taxation; relating to cash rebates on sales or leases of new motor vehicles; exemptions amending K.S.A. 2008 Supp. 79-3602, 79-3603 and 79-3606 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 **HB 2172**.

Many of the organizations requesting tax exemptions in **HB 2172** are worthy organizations with important missions; and individually, their requests do not amount to much of a loss in state revenues. However, when added together, the loss in state revenue grows dramatically from \$4.5 million in the first year, to more than \$11 million just a few years from now.

On April 17th we learned that state revenues leave a deficit gap of \$328 million, impacting the budgets of critical social service programs. With this in mind, I am concerned that further reducing revenues through tax breaks would negatively impact the budgets of critical services for Kansans.

While the intent of this legislation is good, given the incredible economic challenges and revenue deficits we are facing, we simply are not able to offer these additional tax breaks right now.

KATHLEEN SEBELIUS
Governor

Dated: April 23, 2009

COMMUNICATIONS FROM STATE OFFICERS

From Mark S. Beck, Director, Division of Property Valuation, Kansas Department of Revenue, pursuant to K.S.A. 75-3048, 1008 Statistical Report of Property Assessment and Taxation.

From Larry Biles, State Forester, Kansas Forest Service 2008 Annual Report.

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

MESSAGES FROM THE SENATE

Announcing adoption of **HCR 5020**, **HCR 5021**.

The Senate adopts conference committee report on **SB 160**.

The Senate concurs in House amendments to **H. Sub. for SB 218**.

The Senate accedes to the request of the House for a conference on **SB 171** and has appointed Senators V. Schmidt, Apple and Faust-Goudeau as third conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2158** and has appointed Senators V. Schmidt, Apple and Faust-Goudeau as second conferees on the part of the Senate.

Also, the Senate reconsidered its action on **S. Sub. for HB 2162** and requests return of the bill.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6028—

By Representative Johnson

A RESOLUTION in memory of Richard E. “Dick” Eckert.

WHEREAS, Richard E. “Dick” Eckert of Holton, Kansas, formerly of Wetmore, Kansas, passed away April 2, 2009, at Ottawa County Health Center in Minneapolis, Kansas at the age of 86; and

WHEREAS, Dick Eckert was born June 9, 1922, in Arrington, Kansas to Jacob Richard and Helen Littleton Eckert. He graduated from Denison High School in 1940 before he was mobilized as a Private with the Kansas National Guard in Holton on December 23, 1940, and served with the 11th Airborne Division in the Philippines, Okinawa and Japan. He was in active duty until February 1946, and remained active in the National Guard until he moved to full time in 1963; and

WHEREAS, Dick Eckert married Maxine E. Kientz on August 24, 1951; and

WHEREAS, Mr. Eckert attended Washburn University and graduated with an Associates of Business Degree in Education; and

WHEREAS, After graduating, Mr. Eckert was hired to teach and coach at Netawaka High School in September 1949, where he coached baseball and boys and girls basketball. His boys basketball teams went to the State Tournament in 1959, 1960 and 1962; and

WHEREAS, Mr. Eckert was promoted to Colonel on July 15, 1971, and appointed to the position of Chief of Staff for the Adjutant General Kansas Army National Guard, a position he served in for 9 years before retiring in December 1980, with 40 years of Active and Reserve service; and

WHEREAS, Colonel Eckert was inducted into the Infantry Officer Candidate Hall of Fame at Fort Benning, Georgia in May 1991, and the Kansas National Guard Hall of Fame in Topeka in November 1991; and

WHEREAS, Dick Eckert was elected to the Kansas House of Representatives 60th District in 1982, and was re-elected in 1984, 1986 and 1988; and

WHEREAS, Dick Eckert is survived by his son Rick Eckert and his wife Belinda; his daughter-in-law Kelly Ray; his sisters Mary Doyle, Marceline Marinich and Marjorie Sage; nine grandchildren and twelve great grandchildren; and

WHEREAS, The fortitude and strength of character that Dick Eckert demonstrated throughout his life serves as an example for all to aspire to: Now, therefore,

Be it resolved by the House of Representative of the State of Kansas: That we honor Richard E. “Dick” Eckert for his many contributions to his state and country and that 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 provide an enrolled copy of this resolution to Representative Dan Johnson.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Colloton, **HR 6029**, by Rep. Colloton, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6029—

A RESOLUTION recognizing May as lyme disease awareness month and commending and congratulating those groups who help raise awareness about lyme disease.

WHEREAS, The month of May 2009 is lyme disease awareness month; and

WHEREAS, Many Kansans have been diagnosed with lyme disease in the past 10 years; and

WHEREAS, There is no vaccine currently available to prevent most lyme disease illnesses, so early detection and treatment are important. Most lyme disease illnesses can be treated successfully if diagnosed early; and

WHEREAS, There are steps Kansans can take to reduce their risk of lyme disease such as avoiding wooded areas where ticks are most prevalent, using insect repellent and removing leaf litter and brush around homes and lawns ; and

WHEREAS, The following groups help raise awareness about lyme disease: Lyme Association of Greater Kansas City, Inc.; Lyme Association of Franklin County; Lyme Support Group of Parsons, KS; and the Kansas Lyme Fighters, Inc.: Now, therefore,

Be it resolved by the House of Representatives of Kansas: That we recognize May 2009 as lyme disease awareness month, and we commend and congratulate those groups who help raise awareness about lyme disease; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Lyme Association of Greater Kansas City, Inc., Ila Utley, President, P.O. Box 25853, Overland Park, KS 66225; Lyme Association of Franklin County, Tracey and Michael Wade, Leaders, 119 South Main Street, Ottawa, KS 66067; Lyme Support Group of Parsons, KS, Linda Deidliker, Leader and Phil Edwards, Assistant Leader, Southeast Kansas Independent Living Resource Center, Inc. (SKIL), 1801 Main, Box 957, Parsons, KS 67357; Kansas Lyme Fighters, Inc., Peggy Blumhagen, Leader, 1829 Brook Street, Lawrence, KS 66044.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

The motion of Rep. Dillmore, in accordance with subsection (b) of House Rule 1309, that **HB 2367** be withdrawn from Committee on Insurance and be placed on the calendar under the order of business General Orders, was considered.

Roll call was demanded.

On roll call, the vote was: Yeas 60; Nays 60; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Benlon, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Huntington, Kiegerl, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Quigley, Rardin, Ruiz, Sawyer, Slattery, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Knox, Mast, McLeland, Merrick, Moxley, Myers, Neufeld, O'Brien, O'Neal, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Swanson, Tafanelli, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: George, Hermanson, Landwehr, Morrison, Sloan.

Not having received the required 70 votes, the motion did not prevail.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2022** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2022," as follows:

"Substitute for HOUSE BILL No. 2022

By Committee on Appropriations

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2008 Supp. 72-8814, 76-7,107, as amended by section 139 of 2009 Senate Substitute for House Bill No. 2354, 79-2979, as amended by section 143 of 2009 Senate Substitute for House Bill No. 2354, and 79-34,156, as amended by section 91 of 2009 House Substitute for Substitute for Senate Bill No. 23, and repealing

the existing sections; also repealing section 102 of 2009 Senate Substitute for House Bill No. 2354.”; and the substitute bill be passed.
(**Sub. HB 2022** was thereupon introduced and read by title.)

COMMITTEE ASSIGNMENT CHANGE

Rep. Patton has been appointed to replace Rep. Swenson on the Joint Committee on Special Claims Against the State.

REPORT ON ENGROSSED BILLS

S. Sub. for HB 2126; S. Sub. for HB 2260 reported correctly re-engrossed April 3, 2009.

Also, **HB 2052, HB 2152, HB 2155, HB 2374, HB 2388** reported correctly engrossed April 6, 2009.

Also, **S. Sub. for Sub. HB 2014; HB 2324** reported correctly re-engrossed April 6, 2009.

Also, **HB 2121** reported correctly re-engrossed April 8, 2009.

REPORT ON ENROLLED BILLS

Sub. HB 2008; S. Sub. for HB 2096; S. Sub. for HB 2126; HB 2292, HB 2308; S. Sub. for HB 2354 reported correctly enrolled, properly signed and presented to the governor on April 10, 2009.

Also, **S. Sub. for HB 2014; HB 2052; S. Sub. for HB 2085; HB 2121, HB 2152, HB 2155, HB 2172; S. Sub. for HB 2260; HB 2324, HB 2331** reported correctly enrolled, properly signed and presented to the governor on April 13, 2009.

REPORT ON ENROLLED RESOLUTIONS

HCR 5020, HCR 5021 reported correctly enrolled and properly signed on April 29, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, April 30, 2009.

Journal of the House

FIFTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, April 30, 2009, 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. Navinsky and Sawyer were excused on verified illness.
Rep. George and Landwehr were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Steve L. Vaughn, Senior Pastor, Fairlawn Nazarene Church, Topeka:

Gracious Father we ask that today you grant wisdom in the view of world-wide human sickness, global financial stress and political decisions that weigh difficult decisions upon this day.

Allow your presence to engulf these halls and offices to your will and your way.

Help us to remember that disgust and resolve are two of the greatest emotions that lead to change in our country.

Bestow upon this group your blessing and favor this day.

Please be with Rep. Neighbor and her family in the loss of her father.

In Christ's name I ask. Amen.

The Pledge of Allegiance was led by Rep. Benlon.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Bethell, on behalf of Reps. Crow and O'Brien, are spread upon the journal:

I have the opportunity today to introduce to you a person that like me is a Kansan by choice. It takes a special person to be a Kansan. If by birth you have the unique situation of being born into a family that has a foundation of fierce independence, or if by choice you have taken the opportunity to claim as your home a state with a rich heritage and history.

As a Kansan by choice there are always extenuating circumstances that interact, some come to Kansas by a twist of fate such as being stationed at Fort Riley as a member of the military. That alone, however, will not cause you to claim the state. Others may come as some of the early settlers with the hope or expectation of a better future. That may or may not keep your interest in Kansas.

Others like the gentleman I will introduce to you came to Kansas and found the reason to stay and claim Kansas as home. While doing that he has integrated himself into the patchwork of Kansas itself.

Major Robert Livingston Ober, or Rob as I have become accustomed to calling him, was stationed at Fort Riley and while there became acquainted with a young lady that I had the privilege of watching grow up. Rob's wife is Sarah, an Alden girl, well actually, a rural Alden girl. To be honest if you live anywhere near Alden you will be claimed as an Aldenite. From the marriage of Rob and Sarah there are two fantastic young ladies, Marissa and Heather. While this is important it is not the main reason I asked Rob to be here today.

We can all find reasons to be proud of Rob. The reason I want to bring to your attention is his service to the United States and to the State of Kansas. After being stationed at Fort

Riley, Rob was deployed to Afghanistan to be involved with the counter insurgency effort and served a year teaching Afghan nationals how to defend their country. Rob is now home, that is, back in Kansas enrolled in the United States Army Command and General Staff College.

The mission of the college is stated as follows:

The US Army Command and General Staff College educates and develops leaders for full spectrum joint, interagency and multinational operations; acts as lead agent for the Army's leader development program; and advances the art and science of the profession of arms in support of Army operational requirements.

I don't know where Rob will go from here but it is apparent that he is one that others have noticed is a leader. As he continues his career it will be exciting for me to watch what is in his future and an honor for me to say "I knew him when . . ."

I have prepared a framed House certificate recognizing his service to the United States and the state of Kansas and ask you to join me in showing him our appreciation for his dedication to our country.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Merrick, **HCR 5023**, by Rep. O'Neal and Davis, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. 5023—

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 4:00 p.m. on April 30, 2009, 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.

In accordance with **HCR 5023**, Speaker O'Neal appointed Reps. Mast, Horst and Ward to escort the Governor.

Also, Reps. Shultz, Light and McCray-Miller to escort the Supreme Court.

Also, Reps. Aurand, Bethell and Williams to escort the Senate.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2401**, **HB 2403**.

Energy and Utilities: **HB 2402**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6030—

By Representative Williams

A RESOLUTION designating May 8 as Military Family Appreciation Day.

WHEREAS, Kansans have a long-standing tradition of serving in the Armed Forces of the United States, with thousands of Kansans giving their lives in defense of this country; and

WHEREAS, The contributions of Kansas military personnel have been vital to maintaining the freedoms and way of life that Americans cherish; and

WHEREAS, It is vital to raise awareness of the sacrifices that our brave men and women in uniform have made in the past and continue to make in order to defend the United States Constitution and to preserve the liberties that enrich this great nation; and

WHEREAS, It is also important to recognize and honor the sacrifices, support and dedication of the families of the men and women who have served in our armed forces; and

WHEREAS, Kansans recognize the importance of maintaining a strong, well-equipped, well-educated and well-trained military to safeguard freedoms and maintain peacekeeping missions around the world: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we designate May 8 as Military Family Appreciation Day in appreciation for the innumerable sacrifices and contributions they make in serving our country; 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 Representative Jerry Williams.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Grant, **HR 6025**, A resolution congratulating and commemorating the educational leadership and career of Mr. David DeMoss, was adopted.

There being no objection, the following remarks of Rep. Grant are spread upon the journal:

You say Dave DeMoss in Southeast Kansas and people say “Dave who?” No, not really. In Southeast Kansas, the name is well known. Dave is known as the guy who runs the Southeast Kansas Education Service Center - Greenbush. Greenbush is the best service center in Kansas and that reputation is because of Dave and the people he has employed.

During the mid 1970’s, five districts - Erie-St. Paul, Girard, Yates Center, Riverton, and Fort Scott Community College, joined together with one vision, to provide services to school districts that are otherwise unaffordable or unattainable for an individual district.

In keeping with their vision, the Southeast Kansas Education Service Center-Greenbush came to life in 1976 with three employees (Dave being the Director) in a small, vacant school building, on the basis that Greenbush would provide area school districts a way of accomplishing things that would be too costly individually.

Thirty-three years later, the Service Center continues to strive to provide districts with services that would otherwise be unaffordable or unavailable, ensures the best possible customer service, and to develop unique and innovative programs. Services first requested included an educational film library, repair of audio-visual equipment (back then, 16 millimeter film projectors), and cooperative purchasing. Many of the Service Center’s programs were started because a school administrator had a vision and came forward and said, “We wish we had” If two or more districts are in need of a service or program, Greenbush will figure out a way to make it happen.

How has Greenbush been so successful?

Quite simply, through Dave DeMoss’ leadership. He has insured the founding fathers vision “to provide equal educational opportunities for all students” is the mantra of all Greenbush staff.

Thank you Dave for caring about Kansas’ kids!

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Merrick, **HR 6026**, A resolution commemorating the twentieth anniversary of the sister-state relationship between the State of Kansas and the Province of Taiwan, Republic of China, was adopted.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Johnson, **HR 6028**, A resolution in memory of Richard E. “Dick” Eckert, was adopted.

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

Col. Richard E. Eckert was one of my mentors. I met him in 1959 when I was an officer candidate and he was the Senior TAC Officer for the Officer Candidate School.

I later worked for him for many years as Junior TAC Officer, Senior TAC Officer, and Assistant Commandant for the Officer Candidate School.

Col. Eckert was one who insisted on going by the book and he demanded perfection. He accepted no excuses. He was tough and demanding, but he was always fair.

I always knew what was expected of me and I worked hard to accomplish that goal.

Because of the influence of Col. Eckert, the Kansas Officer Candidate School is outstanding as evidenced by the many graduates who progressed to do great things in their military careers.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2060**, 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, following line 19, by inserting the following:

“Section 1. K.S.A. 8-1568 is hereby amended to read as follows: 8-1568. (a) *(1) Any driver of a motor vehicle who willfully fails or refuses to bring such driver’s vehicle to a stop, or who otherwise flees or attempts to elude for a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or (3). The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform, prominently displaying such officer’s badge of office, and the officer’s vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle.*

(2) Any driver of a motor vehicle who willfully otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or (3).

(3) It shall be an affirmative defense to any prosecution under paragraph (1) of this subsection that the driver’s conduct in violation of such paragraph was caused by such driver’s reasonable belief that the vehicle or bicycle pursuing such driver’s vehicle is not a police vehicle or police bicycle.

~~(b) Any driver who violates the provisions of subsection (a) of a motor vehicle who willfully fails or refuses to bring such driver’s vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, and who: (1) Commits any of the following during a police pursuit: (A) Fails to stop for a police road block; (B) drives around tire deflating devices placed by a police officer; (C) engages in reckless driving as defined by K.S.A. 8-1566 and amendments thereto; (D) is involved in any motor vehicle accident or intentionally causes damage to property; or (E) commits five or more moving violations; or~~

~~(2) is attempting to elude capture for the commission of any felony, shall be guilty as provided in subsection (c)(4).~~

~~(c) (1) Every person convicted of violating Violation of subsection (a), upon a first conviction, shall be guilty of is a class B nonperson misdemeanor.~~

~~(2) Every person convicted of violating Violation of subsection (a), upon a second conviction of such subsection, shall be guilty of is a class A nonperson misdemeanor.~~

~~(3) Every person convicted of violating Violation of subsection (a), upon a third or subsequent conviction of such subsection, shall be guilty of is a severity level 9, person felony.~~

~~(4) Every person convicted of violating Violation of subsection (b) shall be guilty of is a severity level 9, person felony.~~

~~(d) The signal given by the police officer may be by hand, voice, emergency light or siren:~~

~~(1) If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or~~

~~(2) if the officer giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer’s badge of office at the time the signal is given.~~

~~(e) For the purpose of this section:~~

~~(1) “Conviction” means a final conviction without regard whether sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant’s appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.~~

(2) “*Appropriately marked*” official police vehicle or police bicycle shall include, but not be limited to, any police vehicle or bicycle equipped with functional emergency lights or siren or both and which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle.

~~(e)~~ (f) The division of vehicles of the department of revenue shall promote public awareness of the provisions of this section when persons apply for or renew such person’s driver’s license.

Sec. 2. K.S.A. 21-3419 is hereby amended to read as follows: 21-3419. (a) A criminal threat is any threat to:

(1) Commit violence communicated with intent to terrorize another, or to cause the evacuation, *lock down or disruption in regular, ongoing activities* of any building, place of assembly or facility of transportation, or in reckless disregard of the risk of causing such terror or evacuation, *lock down or disruption in regular, ongoing activities*;

(2) adulterate or contaminate any food, raw agricultural commodity, beverage, drug, animal feed, plant or public water supply; or

(3) expose any animal in this state to any contagious or infectious disease.

(b) A criminal threat is a severity level 9, person felony.

(c) As used in this section, “threat” includes any statement that one has committed any action described by subsection (a)(1) or (2).

Sec. 3. K.S.A. 2008 Supp. 21-3419a is hereby amended to read as follows: 21-3419a. (a) Aggravated criminal threat is the commission of one or more crimes of criminal threat, as defined in K.S.A. 21-3419 and amendments thereto, when a public, commercial or industrial building, place of assembly or facility of transportation is evacuated, *locked down or disrupted as to regular, ongoing activities* as a result of the threat or threats.

(b) Aggravated criminal threat is a severity level 5, person felony.”;

And by renumbering sections accordingly;

On page 2, in line 7, by striking “attending the”; in line 8, by striking “conduct” and inserting “attendance”;

On page 3, in line 1, by striking all preceding “of” and inserting “, unlawful attendance”; following line 39, by inserting the following:

“Sec. 7. K.S.A. 21-4603d 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;

(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) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10); or

(12) suspend imposition of sentence in misdemeanor cases.

(b) (1) In 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 restitution, 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 required 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. ~~2007~~ 2008 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.

(l) 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. 65-4160 or 65-4162, 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. ~~2007~~ 2008 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 postrelease 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. 65-4160, 65-4162 or 65-4164, 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.

Sec. 8. K.S.A. 21-4611 is hereby amended to read as follows: 21-4611. (a) The period of suspension of sentence, probation or assignment to community corrections fixed by the court shall not exceed five years in felony cases involving crimes committed prior to July 1, 1993, or two years in misdemeanor cases, subject to renewal and extension for additional fixed periods not exceeding five years in such felony cases, nor two years in misdemeanor cases. In no event shall the total period of probation, suspension of sentence or assignment to community corrections for a felony committed prior to July 1, 1993, exceed the greatest maximum term provided by law for the crime, except that where the defendant is convicted

of nonsupport of a child, the period may be continued as long as the responsibility for support continues. Probation, suspension of sentence or assignment to community corrections may be terminated by the court at any time and upon such termination or upon termination by expiration of the term of probation, suspension of sentence or assignment to community corrections, an order to this effect shall be entered by the court. The provisions of K.S.A. 75-5291, and amendments thereto, shall be applicable to any assignment to a community correctional services program pursuant to this section.

(b) The district court having jurisdiction of the offender may parole any misdemeanant sentenced to confinement in the county jail. The period of such parole shall be fixed by the court and shall not exceed two years and shall be terminated in the manner provided for termination of suspended sentence and probation.

(c) For all crimes committed on or after July 1, 1993, the duration of probation in felony cases sentenced for the following severity levels on the sentencing guidelines grid for nondrug crimes and the sentencing guidelines grid for drug crimes is as follows:

(1) For nondrug crimes the recommended duration of probations is:

(A) Thirty-six months for crimes in crime severity levels 1 through 5; and

(B) 24 months for crimes in crime severity levels 6 and 7.

(2) For drug crimes the recommended duration of probation is 36 months for crimes in crime severity levels 1 and 2.

(3) *Except as otherwise provided*, in felony cases sentenced at severity levels 9 and 10 on the sentencing guidelines grid for nondrug crimes and severity level 4 on the sentencing guidelines grid for drug crimes, if a nonprison sanction is imposed, the court shall order the defendant to serve a period of probation, ~~or assignment to a community correctional services program as provided under K.S.A. 75-5291 et seq., and amendments thereto~~, of up to 12 months in length.

(4) In felony cases sentenced at severity level 8 on the sentencing guidelines grid for nondrug crimes ~~and~~ severity level 3 on the sentencing guidelines grid for drug crimes *and felony cases sentenced pursuant to K.S.A. 21-4729, and amendments thereto*, if a nonprison sanction is imposed, the court shall order the defendant to serve a period of probation, or assignment to a community correctional services program, as provided under K.S.A. 75-5291 et seq., and amendments thereto, of up to 18 months in length.

(5) If the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by the length of the probation terms provided in subsections (c)(3) and (c)(4), the court may impose a longer period of probation. Such an increase shall not be considered a departure and shall not be subject to appeal.

(6) Except as provided in subsections (c)(7) and (c)(8), the total period in all cases shall not exceed 60 months, or the maximum period of the prison sentence that could be imposed whichever is longer. Nonprison sentences may be terminated by the court at any time.

(7) If the defendant is convicted of nonsupport of a child, the period may be continued as long as the responsibility for support continues. If the defendant is ordered to pay full or partial restitution, the period may be continued as long as the amount of restitution ordered has not been paid.

(8) The court may modify or extend the offender's period of supervision, pursuant to a modification hearing and a judicial finding of necessity. Such extensions may be made for a maximum period of five years or the maximum period of the prison sentence that could be imposed, whichever is longer, inclusive of the original supervision term.

(d) The provisions of subsection , as amended by this act, shall be applied retroactively. The sentencing court shall direct that a review of all persons serving a nonprison sanction for a crime in severity levels 8, 9 or 10 of the sentencing guidelines grid for nondrug crimes or a crime in severity levels 3 or 4 of the sentencing guidelines grid for drug crimes be conducted. On or before September 1, 2000, the duration of such person's probation shall be modified in conformity with the provisions of subsection .";

And by renumbering the remaining sections accordingly;

On page 9, in line 39, preceding the period by inserting "and shall be served consecutively to any other term or terms of imprisonment imposed";

On page 13, in line 17, by striking “Such” and inserting “Subject to appropriations therefor, such”; in line 20, following the period by inserting “If the secretary determines that substance abuse treatment resources are otherwise available, such term of imprisonment may be served in a facility designated by the secretary of corrections in the custody of the secretary of corrections to participate in an intensive substance abuse treatment program. The secretary’s determination regarding the availability of treatment resources shall not be subject to review.”; by striking all in lines 41 through 43;

By striking all on page 14;

On page 15, by striking all in lines 1 through 15 and inserting the following:

“(g) (1) Except as provided further, if the trier of fact makes a finding that an offender carried a firearm to commit a drug felony, or in furtherance of a drug felony, possessed a firearm, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to:

(A) Except as provided in subparagraph (1)(B), an additional 6 months’ imprisonment; and

(B) if the trier of fact makes a finding that the firearm was discharged, an additional 18 months’ imprisonment.

(2) The sentence imposed pursuant to paragraph (1) shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) The provisions of this subsection shall not apply to violations of K.S.A. 65-4152, 65-4160 or 65-4162, and amendments thereto.

Sec. 11. K.S.A. 2008 Supp. 21-4714 is hereby amended to read as follows: 21-4714. (a) The court shall order the preparation of the presentence investigation report by the court services officer as soon as possible after conviction of the defendant.

(b) Each presentence report prepared for an offender to be sentenced for one or more felonies committed on or after July 1, 1993, shall be limited to the following information:

(1) A summary of the factual circumstances of the crime or crimes of conviction.

(2) If the defendant desires to do so, a summary of the defendant’s version of the crime.

(3) When there is an identifiable victim, a victim report. The person preparing the victim report shall submit the report to the victim and request that the information be returned to be submitted as a part of the presentence investigation. To the extent possible, the report shall include a complete listing of restitution for damages suffered by the victim.

(4) An appropriate classification of each crime of conviction on the crime severity scale.

(5) A listing of prior adult convictions or juvenile adjudications for felony or misdemeanor crimes or violations of county resolutions or city ordinances comparable to any misdemeanor defined by state law. Such listing shall include an assessment of the appropriate classification of the criminal history on the criminal history scale and the source of information regarding each listed prior conviction and any available source of journal entries or other documents through which the listed convictions may be verified. If any such journal entries or other documents are obtained by the court services officer, they shall be attached to the presentence investigation report. Any prior criminal history worksheets of the defendant shall also be attached.

(6) A proposed grid block classification for each crime, or crimes of conviction and the presumptive sentence for each crime, or crimes of conviction.

(7) If the proposed grid block classification is a grid block which presumes imprisonment, the presumptive prison term range and the presumptive duration of postprison supervision as it relates to the crime severity scale.

(8) If the proposed grid block classification does not presume prison, the presumptive prison term range and the presumptive duration of the nonprison sanction as it relates to the crime severity scale and the court services officer’s professional assessment as to recommendations for conditions to be mandated as part of the nonprison sanction.

(9) For defendants who are being sentenced for a conviction of a felony violation of K.S.A. 65-4160 or 65-4162, and amendments thereto, and meet the requirements of K.S.A. 21-4729, and amendments thereto, the drug abuse assessment as provided in K.S.A. 21-4729, and amendments thereto.

(10) For defendants who are being sentenced for a third or subsequent felony conviction of a violation of K.S.A. 65-4160 or 65-4162, and amendments thereto, the drug abuse assessment as provided in K.S.A. 21-4729, and amendments thereto.

(c) The presentence report will become part of the court record and shall be accessible to the public, except that the official version, defendant's version and the victim's statement, any psychological reports, risk and needs assessments and drug and alcohol reports and assessments shall be accessible only to the parties, the sentencing judge, the department of corrections, and if requested, the Kansas sentencing commission. If the offender is committed to the custody of the secretary of corrections, the report shall be sent to the secretary and, in accordance with K.S.A. 75-5220 and amendments thereto to the warden of the state correctional institution to which the defendant is conveyed.

(d) The criminal history worksheet will not substitute as a presentence report.

(e) The presentence report will not include optional report components, which would be subject to the discretion of the sentencing court in each district except for psychological reports and drug and alcohol reports.

(f) *Except as provided in K.S.A. 21-4715, and amendments thereto*, the court can take judicial notice in a subsequent felony proceeding of an earlier presentence report criminal history worksheet prepared for a prior sentencing of the defendant for a felony committed on or after July 1, 1993.

(g) All presentence reports in any case in which the defendant has been convicted of a felony shall be on a form approved by the Kansas sentencing commission.

Sec. 12. K.S.A. 21-4715 is hereby amended to read as follows: 21-4715. (a) The offender's criminal history shall be admitted in open court by the offender or determined by a preponderance of the evidence at the sentencing hearing by the sentencing judge.

(b) Except to the extent disputed in accordance with subsection , the summary of the offender's criminal history prepared for the court by the state shall satisfy the state's burden of proof regarding an offender's criminal history.

(c) Upon receipt of the criminal history worksheet prepared for the court, the offender shall immediately notify the district attorney and the court with written notice of any error in the proposed criminal history worksheet. Such notice shall specify the exact nature of the alleged error. The state shall have the burden of producing further evidence to satisfy its burden of proof regarding any disputed part, or parts, of the criminal history and the sentencing judge shall allow the state reasonable time to produce such evidence to establish the disputed portion of the criminal history by a preponderance of the evidence. *If the offender later challenges such offender's criminal history, which has been previously established, the burden of proof shall shift to the offender to prove such offender's criminal history by a preponderance of the evidence.*

Sec. 13. K.S.A. 2008 Supp. 75-5291 is hereby amended to read as follows: 75-5291. (a)

(1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services that address the criminogenic needs of felony offenders including, but not limited to, adult intensive supervision, substance abuse and mental health services, employment and residential services, and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127 and amendments thereto.

(2) Except as otherwise provided, placement of offenders in community correctional services programs by the court shall be limited to placement of adult offenders, convicted of a felony offense:

(A) 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. In addition, the court may place in a community correctional services program adult offenders, convicted of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for nondrug crimes;

(B) whose severity level and criminal history score designate a presumptive prison sentence on either sentencing guidelines grid but receive a nonprison sentence as a result of departure;

(C) all offenders convicted of an offense which satisfies the definition of offender pursuant to K.S.A. 22-4902, and amendments thereto, and which is classified as a severity level 7 or higher offense and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed;

(D) any offender for whom a violation of conditions of release or assignment or a non-prison sanction has been established as provided in K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in the offender being required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections;

(E) on and after ~~July 1, 2010~~ *January 1, 2011*, for offenders who are expected to be subject to supervision in Kansas, who are determined to be "high risk or needs, or both" by the use of a statewide, mandatory, standardized risk assessment tool or instrument which shall be specified by the Kansas sentencing commission;

(F) placed in community correctional services programs as a condition of supervision following the successful completion of a conservation camp program; or

(G) who has been sentenced to community corrections supervision pursuant to K.S.A. 21-4729, and amendments thereto.

(3) ~~(A)~~ Notwithstanding any law to the contrary and subject to the availability of funding therefor, adult offenders sentenced to community supervision in Johnson county for felony crimes that occurred on or after July 1, 2002, but before ~~July 1, 2010~~ *January 1, 2011*, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10th judicial district. The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this paragraph shall expire on ~~July 1, 2010~~ *January 1, 2011*.

~~(B) On or before the first day of the 2009 legislative session, the Kansas sentencing commission shall submit a written report on such offender program to the senate standing committee on judiciary and the house of representatives standing committee on judiciary.~~

(4) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.

(5) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert offenders from prison.

(2) The secretary shall appoint one member from the southeast community corrections region, one member from the northeast community corrections region, one member from the central community corrections region and one member from the western community corrections region. The deputy secretary of community and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.

(3) Each member shall be appointed for a term of three years and such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.

(4) The committee, in collaboration with the deputy secretary of community and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:

- (A) Efficiencies in the delivery of field supervision services;
- (B) effectiveness and enhancement of existing interventions;
- (C) identification of new interventions; and
- (D) statewide performance indicators.

(5) The committee's report concerning enhanced or new interventions shall address:

- (A) Goals and measurable objectives;
- (B) projected costs;
- (C) the impact on public safety; and
- (D) the evaluation process.

(6) The committee shall submit its report to the secretary annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget request for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.

Sec. 14. K.S.A. 8-1568, 21-3419, 21-4315, 21-4316, 21-4319, 21-4603d, 21-4611 and 21-4715 and K.S.A. 2008 Supp. 21-3419a, 21-4704, 21-4705, 21-4714 and 75-5291 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in lines 12 through 17 and inserting the following: “AN ACT concerning crimes, punishment and criminal procedure; amending K.S.A. 8-1568, 21-3419, 21-4315, 21-4316, 21-4319, 21-4603d, 21-4611 and 21-4715 and K.S.A. 2008 Supp. 21-3419a, 21-4704, 21-4705, 21-4714 and 75-5291 and repealing the existing sections.”;

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. Patton to adopt the conference committee report on **HB 2060**, Rep. Colloton 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. Colloton, Patton and McCray-Miller as second conferees on the part of the House.

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.

MESSAGES FROM THE SENATE

Announcing adoption of **HCR 5023**, 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 Teichman and Kelly to escort the Governor. Also, Senators Barnett and Francisco to escort the Supreme Court.

Also, the Senate accedes to the request of the House for a conference on **HB 2060** and has appointed Senators Owens, D. Schmidt and Haley as second conferees on the part of the Senate.

It being the hour in accordance with **HCR 5023** to meet in joint session with the Senate to hear the message of the Governor, Reps. Aurand, Bethell and Williams escorted President Morris and members of the Senate to seats in the House.

Reps. Shultz, Light and McCray-Miller and Senators Barnett and Francisco escorted the Supreme Court to seats in the House.

Reps. Mast, Horst and Ward and Senators Teichman and Kelly escorted the Governor to the rostrum.

Governor Mark Parkinson's Complete Text of Address to the Joint Session

AD ASTRA PER ASPERA

At the outset, I want to thank Speaker Mike O'Neal for granting me the honor to speak with all of you in this spectacular chamber. I had the privilege of serving in the House almost 20 years ago and to be back in this magnificent setting is invigorating.

I also want to acknowledge all the other dignitaries who have taken the time to be here. Thanks to all our legislative leaders: Speaker O'Neal, President Morris, Leader Hensley, Leader Davis. I appreciate all the other legislative leaders for being here and each of you.

I especially want to thank some groups of people who could not be here today: our brave troops fighting in two wars, including our own Melanie Meier; and the men and women of our public health and emergency management teams. From floods to flu, they are protecting communities across the state and I know you join me in thanking them for their continued hard work. Last but not least, I'd like to thank my wife Stacy for being here. We've been best friends, confidants and husband and wife for the last 26 years and she is everything to me.

In this era of political division, we harbor many differences. We will not see eye to eye on every issue. We will not always agree. We will not. But, we will always share one thing: we share, all of us here, a love for the state of Kansas. Today, I've come to tell you all that this common bond will always be stronger than our differences. I have lived here for all of my 51 years and I love the state: our heritage, what we stand for, what we are and what we will become.

I love our origin. I'm proud that we could have chosen to be a free state or a slave state and that we chose to be a free state. I'm proud that our ancestors migrated here from the east coast, not looking for fame or fortune, but rather to protect freedom. I'm so happy that I grew up in Wichita. As a small child, our two blocks seemed as big as the whole world. We explored, and we felt safe, secure and loved. And later I would become grateful for the education that I received at Heights High School and Wichita State University.

I loved the time I spent as a child during the summers in Scott City. The economic engines of the state are all over, but the heart and soul of this state is in the West. As I grew older I spent time in every nook and cranny of the state and learned to love it all: the great heritage of Southeast Kansas and the Northeast, where we now live with its incredible entrepreneurs and opportunities for all Kansans. I love that we are the state of John Brown, William Allen White, Birger Sandzen, Alf Landon, Dwight Eisenhower, and Bob Docking.

Most of all, I love our state motto: Ad Astra Per Aspera. The message that our founders sent us almost 150 years ago has never been more relevant than it is today: though our path may be rife with difficulty, we will reach the stars.

That is why I'm honored and humbled to serve at a time when Kansas is hurting. You all know the numbers. The state and country are in the midst of the longest recession since the 1930's. Tens of thousands of Kansans have lost their jobs, our revenues have plummeted, retirees have seen their accounts dwindle and fear is rampant. In spite of this, my message today is one of optimism.

Throughout history, we have faced challenges that appeared to be insurmountable. The Great Depression, the Dust Bowls and the challenges of two world wars. In each of those occasions, Kansans have not only survived, we have prospered. Make no mistake: we will

face and defeat our current economic challenge in the same way we have in the past: with a determined optimism, rooted in the common spirit that pushes all Kansans to the stars no matter what the obstacles. And when we defeat it we will come out stronger and better than before.

The message of our shared past is clear: our belief is stronger than any doubt; our determination greater than any obstacle; and our passion more furious than any storm.

State government must play a central role in this turnaround. For us to succeed in defeating this challenge, we must do three things. Our immediate need is to balance our state budget in a responsible way. This will require a post-partisan spirit of shared sacrifice.

Our current deficit is \$328 million. Filling that deficit will not be easy. The number is too large to fill it solely with additional budget cuts. Those cuts, on top of the cuts we have already imposed, would jeopardize critical state programs. Cutting these budgets \$328 million would hurt education. But it is more than that. We talk about across the board cuts in numbers and percentages, but behind each of those numbers are real Kansans. Drastic cuts would hurt education, public safety, our corrections system and those that are disabled. And for those who believe business would be benefitted by this approach, let me tell you that drastic cuts would diminish economic development efforts and hurt our ability to attract and retain new business to this state. On the other hand, I recognize that \$328 million is too large a number to fill the hole solely with revenue enhancements. It would be a mistake to raise taxes.

Fortunately, there is a middle ground. We need to share the sacrifice and address the deficit with both responsible budget cuts and revenue enhancements. Let me be very specific. On the revenue side, there are about \$250 million in enhancements that we can make that won't raise a single person's taxes. These include delaying tax cuts, decoupling and recognizing gaming revenue. The good news is that these revenue enhancements don't require us to raise anyone's taxes. Tax cuts would be delayed, but no business or person would see their taxes increase.

Shared sacrifice will then require us to make modest additional cuts to state government. Cuts that will be painful but that will not be crippling. These votes will not be easy. But, they are necessary. And I am confident that you will rise to the occasion and show both the leadership and courage to make the votes to balance this budget.

This shared sacrifice is the Kansas way of life. When we face a crisis in this state, all Kansans join in assisting the recovery. But no group should be forced to bear the burden by themselves. That's not the way Kansas works.

The second action that we need to take as a State is to create and protect jobs. Our unemployment rate has increased from 4 percent to 6.5 percent. Kansans need to know that we are fighting as hard as we can to prevent additional job losses. There are several strategies we have to do this. We must promptly and efficiently put the Recovery Act funds in place. With its investments in education we are protecting jobs. With its funding of new highway programs and energy efficiency programs, we will create jobs. A key priority of this administration will be to continue to get the Recovery fund money working in Kansas as quickly as possible.

We will protect and create jobs by holding on to previous victories we have had with NBAF and the Base realignment and closure process. NBAF was a great victory and now Texas is trying to take it away. My message to Texas is simple: if you interfere with NBAF, not only will we mess with Texas, we will crush your frivolous attempts to take it away.

We will create jobs by aggressively pursuing companies that build on our core competencies. I will work tirelessly with our Department of Commerce to assist in its efforts to increase employment in our agriculture, manufacturing and energy industries.

We will also create jobs for the future. We'll continue our close work with the Kansas Bioscience Authority to solidify our space in the animal health sector. We'll work closely with Kansas University to make sure that KU becomes a National Cancer Institute designated center. We'll also work hard to attract renewable energy companies to the state. Kansas should be a national hub of both wind farms and factories that supply parts to those farms. Working together we will make that happen. This hard work will bear fruit and together we'll protect the jobs of Kansans as we move through this recession.

Finally, in order to turn this economy around, we need to unify the state. The time for typical party politics is over. The challenges are too daunting and the stakes are too high. It's time for all of us, Republicans and Democrats, to forget about party politics. It's time for us to do what our ancestors have done when faced with great adversity. We will roll up our sleeves, work hard, make the tough decisions and move forward. Not as Republicans or Democrats, but as Kansans, to solve the problems we face.

I am confident with the legislative leaders that we have in place we will get this done. In President Morris, Leader Hensley, Speaker O'Neal, and Leader Davis, you have provided the State with outstanding Kansans who have placed the best interest of the State ahead of their own. We will make a great team as we move forward.

I know that we are fixated on the 2010 budget and rightly so. The pain and fear that people are experiencing is real. But there will be brighter days ahead. I've learned in business to not just think about the next year, but to think about five, 10 and even 20 years from now. If we make the right decisions, our long term future will be bright. Bear with me as I tell you the vision I have of our future. I can see it as clearly as I can see you sitting before me today.

In the year 2030, agriculture and manufacturing will thrive in Kansas. China and India will have 600 million new middle class citizens and if we keep our markets open, they will drive demand for our agriculture products and our aircraft for years to come.

In the year 2030, NBAF will have been built and tens of thousands of high paying jobs will populate the corridor between Columbia, Missouri and Manhattan. Kansas will be known as both the Air Capital of the World and the Animal Health Capital of the World. In the year 2030, we will have fully exploited our wind energy resource in Western Kansas. We won't have the impressive 1,000 megawatts of wind power we have now, we'll have 10,000 to 20,000 megawatts of clean, renewable power. Factories will dot the state to supply these wind farms, and a corridor of factories from Wichita to Salina will develop that will make Kansas the renewable energy leader of the country.

In the year 2030, KU will have received National Cancer Institute designation and all Kansans, regardless of income or status will receive the highest quality of cancer care available in the world. In the year 2030, we'll have a growing population, made up primarily by increase in our Latino and Asian American populations. We will recognize that these new populations offer us a tremendous opportunity to fill all the jobs left vacant by retirees and that these new populations offer us a whole new group of consumers. Unlike states that shun these populations, we will recognize them as a great opportunity.

In the year 2030, our K-12 system will be using the latest in technology so that every school child, regardless of where they are from, will receive the same high quality education as every other child in the state. In the year 2030, our regents system will excel. We'll spend our time talking not just about whether our basketball or football programs are in the top 25. We'll spend time talking about whether our medical schools, engineering schools, and undergraduate programs are in the top 25.

All of these things can happen. You can make them happen. If we set aside the petty politics that permeates this country, and instead pull together, this vision of the future isn't just the musings of an aging politician. This vision of prosperity that I've laid before you is our destiny.

I close with a quote from Winston Churchill. During the worst of WWII a reporter asked Churchill if he was worried about how history would be treated. Again, he took no time and quickly responded.

'History will be kind to me, because I intend to write it.'

Churchill said, 'History will be kind to me because I intend to write it.'

Tonight, we open the next great chapter in our state's history. Be certain: the title of that chapter, like so many great ones before it will be *Ad Astra Per Aspera*.

Decades from now, our children and grandchildren and their children will look back and ask how we responded to the greatest crisis in 70 years. Did we panic or lead? Did we retreat to partisan interests or embrace shared sacrifice? Did we bicker or did we set aside party politics to work together as Kansans? I know the answer to each of those questions

because I have confidence in each of you. I know that despite our differences, we share love for Kansas.

So, let's not just name this chapter with our great state motto, let's get to work writing a history that all future generations can be proud of. God Bless each of you, this State and our great Country.

On motion of Rep. Merrick, the House adjourned until 1:00 p.m., Friday, May 1, 2009.

Journal of the House

FIFTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, May 1, 2009, 1:00 p.m.

The House met pursuant to recess with Speaker pro tem Siegfried in the chair.
The roll was called with 119 members present.
Rep. Navinsky was excused on verified illness.
Reps. George, Landwehr, Neufeld, Roth and Shultz were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Steve L. Vaughn, Senior Pastor, Fairlawn Nazarene Church, Topeka:

Father, creator of our existence, may you be praised for this new day of life. In your presence may we honor you with our words, glorify you with our actions and be a reflection of you with our decisions.

In this moment may you engulf this place with your principles and morals to govern the actions taken to better the quality of life. May these men and women give careful attention to responsibilities and to the task at hand.

We pray a special guidance to Governor Parkinson as he takes on new roles in governing this great state. Grant him the wisdom to direct us to a new place in time, and growth despite obstacles and hindrances.

We ask for your help in these times of financial stress. Today's decisions concern people's livelihood and future. Direct us into understanding that change happens out of inspiration and desperation and now provide wisdom to this group to decipher the two as they make plans for today and tomorrow.

In Christ's Name I ask. Amen.

The Pledge of Allegiance was led by Rep. Furtado.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2404, An act concerning taxation; relating to income taxation; deductions; determination of Kansas adjusted gross income; credits; amending K.S.A. 2008 Supp. 79-32,117, 79-32,120, 79-32,138 and 79-32,205 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 79-32,117m, by Committee on Appropriations.

HB 2405, An act concerning taxation; relating to corporate income tax rates; distribution of mineral severance tax to oil and gas valuation depletion trust fund; amending K.S.A. 2008 Supp. 79-32,110 and 79-4227 and repealing the existing sections, by Committee on Appropriations.

HB 2406, An act concerning sales taxation; relating to exemptions; goodwill industries; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Appropriations.

HB 2407, An act concerning taxation; relating to rates and continuation of estate tax; income tax credits; time of payment and returns of mineral severance tax; rates and continuation of franchise tax; amending K.S.A. 40-253a, 79-4220 and 79-4221 and K.S.A. 2008 Supp. 40-2803, 40-2804, 74-50,208, 79-15,203, 79-15,251, 79-32,117, 79-32,215 and 79-5401 and repealing the existing sections; also repealing K.S.A. 79-32,194 and 79-32,199 and

K.S.A. 2008 Supp. 79-15,253, 79-32,117m, 79-32,195, 79-32,196, 79-32,197, 79-32,197a, 79-32,198, 79-32,199a and 79-32,199b, by Committee on Appropriations.

COMMUNICATIONS FROM STATE OFFICERS

From Roger Werholtz, Secretary of Corrections, in accordance with K.S.A. 60-4117, report for the Kansas Department of Corrections State Forfeiture Fund for December 1, 2007 through December 1, 2008.

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

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 22** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL No. 22," as follows:

"HOUSE Substitute for SENATE BILL No. 22

By Committee on Appropriations

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, reducing compensation for state officers and employees, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2008 Supp. 72-8814, 76- 7,107, as amended by section 139 of 2009 Senate Substitute for House Bill No. 2354, 79-2978, as amended by section 88 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79- 2979, as amended by section 89 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-3425i, as amended by section 144 of 2009 Senate Substitute for House Bill No. 2354, and 79-34,156, as amended by section 91 of 2009 House Substitute for Substitute for Senate Bill No. 23, and repealing the existing sections; also repealing section 102 of 2009 Senate Substitute for House Bill No. 2354, 79-2978, as amended by section 142 of 2009 Senate Substitute for House Bill No. 2354, and 79-2979, as amended by section 143 of 2009 Senate Substitute for House Bill No. 2354."; and the substitute bill be passed.

(**H. Sub. for SB 22** was thereupon introduced and read by title.)

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 ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 1502 was suspended for the purpose of considering **H. Sub. for SB 22**.

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, House Rule 3905 be suspended requiring the printing and distribution of appropriation bills 24 hours before consideration. The motion prevailed.

Also, on motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 1704 be suspended for the purpose of Reps. Yoder, Watkins and Feuerborn to speak more than once. The motion prevailed.

Committee report recommending a substitute bill to **H. Sub. for SB 22** be adopted; also, roll call was demanded on motion of Rep. Kinzer to amend on page 141, preceding line 7, by inserting the following:

“Sec. 105. (a) During the fiscal year ending June 30, 2010, 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 71; Nays 47; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Frownfelter, Fund, D. Gatewood, Goico, Gordon, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Light, Long, Lukert, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Svaty, Swenson, Tafaneli, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, Yoder.

Nays: Ballard, Benlon, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Goyle, Henderson, Hill, Horst, Huntington, Johnson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Peterson, Pottorff, Proehl, Quigley, Rardin, Ruiz, Sawyer, Slattery, Sloan, Spalding, Swanson, Talia, Tietze, Trimmer, Ward, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: George, Hawk, Landwehr, Navinsky, Neufeld, Roth, Shultz.

The motion of Rep. Kinzer prevailed.

Also, on motion of Rep. Colloton to amend **H. Sub. for SB 22**, the motion did not prevail.

Also, on motion of Rep. Watkins, **H. Sub. for SB 22** be amended on page 118, of the typed version of the bill, by striking all in lines 22 and 23;

By striking all on pages 119 through 123, of the typed version of the bill;

On page 124, of the typed version of the bill, by striking all in lines 1 through 12;

And by renumbering sections accordingly;

Also, on motion of Rep. Crum, **H. Sub. for SB 22** be amended on page 42, after line 11, by inserting the following:

“(v) During fiscal year 2010, no expenditure shall be made by the above agency from the mental health and retardation services aid and assistance account or any other accounts of the state general fund for payment to the community living opportunities for reimbursement at extraordinary funding levels raised from the regular rate for certain individuals during the fiscal year ending June 30, 2009: *Provided*, That the extraordinary funding levels of those individuals shall go back to the previous regular reimbursement rate: *Provided further*, That the secretary of social and rehabilitation services shall not be authorized to change the reimbursement rate to extraordinary funding levels for reimbursement for individuals receiving services in a community setting in the state without complying with the proper procedures: *And provided further*, That any savings accrued from not making payments at the extraordinary funding levels pursuant to this subsection shall be used to provide additional developmental disability waiver services.”;

Also, on motion of Rep. Kleeb, **H. Sub. for SB 22** be amended on page 2 of the typed version of the bill, after line 13, by inserting the following:

“(d) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 for the legislative coordinating council, as authorized by 2009 Substitute for House Bill No. 2354 or by this or other appropriation act of the

2009 regular session of the legislature, expenditures shall be made by the legislative coordinating council for fiscal year 2010 to appoint a special committee on the cost effectiveness of governmental operations and programs: *Provided*, That, the special committee shall review and evaluate opportunities to outsource or privatize governmental operations and programs, including, but not limited to, the following: (1) What governmental operations and programs are available to be outsourced or privatized; (2) any cost savings to the state as a consequence of outsourcing or privatizing; (3) the impact, if any, on how governmental services would be provided if outsourced or privatized; and (4) possible methods of transitioning governmental services from the state agency to the private organization: *Provided further*, That, the special committee shall also review and evaluate governmental operations and programs that: (1) Compete with services provided by private organizations, or which duplicate services provided by private organizations; (2) duplicate services provided by the federal government; or (3) duplicate services provided by not-for-profit organizations where there could be cost savings to the state if the state were to award grants to such organizations in lieu of operating its own operations and programs: *Provided further*, That, the special committee shall review the procurement process for state agencies and the cost-effectiveness of such process: *Provided further*, That, the special committee shall conduct any other reviews, evaluations or studies as directed by the legislative coordinating council: *Provided further*, That, the special committee shall consider any audit conducted by the post auditor and the division of post audit pursuant to the legislative post audit act relevant to any of the reviews, evaluations or studies set forth in this subsection: *Provided further*, That, during the course of any reviews, evaluations or studies the special committee shall hold a public hearing for the purpose of receiving testimony from the public, the involved state agencies or programs, the officers and employees thereof and any other appropriate state officers and employees.”;

Also, on motion of Rep. Fund to amend **H. Sub. for SB 22**, the motion did not prevail.

Also, on motion of Rep. Knox to amend **H. Sub. for SB 22**, Rep. Goyle requested the question be divided. The question was divided.

Roll call was demanded on Part A of the motion of Rep. Knox to amend **H. Sub. for SB 22** on page 52, of the typed version of the bill, following line 1, by inserting the following:

“(bb) During the fiscal year ending June 30, 2010, notwithstanding the provisions of K.S.A. 2008 Supp. 76-731a, and amendments thereto, an individual defined in K.S.A. 2008 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, 2010, 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 residency.” ;

On roll call, the vote was: Yeas 50; Nays 67; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hermanson, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Tafanelli, Talia, Vickrey, Watkins, Whitham, B. Wolf, Yoder.

Nays: Ballard, Benlon, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Goyle, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, George, Hawk, Landwehr, Navinsky, Neufeld, Roth, Shultz.

Part A of the motion of Rep. Knox did not prevail.

Also, on request of Rep. Knox, Parts B and C be withdrawn.

Also, on motion of Rep. Siegfried, **H. Sub. for SB 22** be amended on page 37, of the printed version of the bill, in line 15, by adding \$487,500 to the dollar amount and by adjusting the dollar amount in line 15 accordingly;

On page 40, of the printed version of the bill, in line 3, by subtracting \$487,500 from the dollar amount and by adjusting the dollar amount in line 3 accordingly;

On page 42, of the printed version of the bill, after line 11, by inserting the following:

“(v) In addition to the other purposes for which expenditures may be made by the above agency from the state operations account of the state general fund for fiscal year 2010, as authorized by 2009 Senate Substitute for House Bill No. 2354, expenditures shall be made by the above agency from the state operations account of the state general fund for fiscal year 2010 to make expenditures to contract with Kansas legal services for the purpose of providing legal representation and disability determination case management for adult cash assistance recipients.”;

Also, roll call was demanded on motion of Rep. A. Brown to amend **H. Sub. for SB 22** on page 68, of the typed version of the bill, by striking all in lines 2 through 23;

By striking all on pages 69 and 70, of the typed version of the bill;

On page 71, of the typed version of the bill, by striking all in lines 1 through 13;

On page 77, of the typed version of the bill, in line 10, by striking “\$103,912” and inserting “\$3,912”;

On page 78, of the typed version of the bill, in line 9, by striking “\$109,750” and inserting “\$9,750”;

On page 81, of the typed version of the bill, in line 14, by striking “\$280,000” and inserting “\$30,000”;

On page 82, of the typed version of the bill, in line 12, by striking “\$310,000” and inserting “\$60,000”;

On page 102, of the typed version of the bill, by striking all in lines 3 through 19;

On page 104, of the typed version of the bill, by striking all in lines 5 through 23;

By striking all on pages 105 and 106, of the typed version of the bill;

On page 107, of the typed version of the bill, by striking all in lines 1 through 16; in line 21, by striking “\$1,057,311” and inserting “\$257,311”;

On page 108, of the typed version of the bill, in line 23, by striking “\$1,401,165” and inserting “\$601,165”;

On page 109, of the typed version of the bill, by striking all in lines 6 through 22;

And by relettering subsections accordingly;

On page 111, of the typed version of the bill, in line 20, by striking “\$5,472,357” and inserting “\$472,357”;

On page 112, of the typed version of the bill, in line 20, by striking “\$5,970,318” and inserting “\$970,318”;

On page 113, of the typed version of the bill, by striking all in lines 3 through 23;

By striking all on pages 114 through 117, of the typed version of the bill;

On page 118, of the typed version of the bill, by striking all in lines 1 through 5;

And by renumbering the remaining sections accordingly;

On page 124, of the typed version of the bill, preceding line 13, by inserting the following:

“Sec. 92. (a) On the effective date of this act, of the amount of each appropriation or reappropriation for a state agency for the fiscal year ending June 30, 2010, made by 2009 Senate Substitute for House Bill No. 2354 or by this or other appropriation act of the 2009 regular session of the legislature from the state general fund, the sum equal to 0.4582% of such appropriation or reappropriation, which is not exempt, is hereby lapsed. The following are exempt from and shall not be reduced by such lapsing provision: (1) Any item of appropriation or reappropriation for debt service for payments pursuant to contractual bond obligations, and (2) any item of appropriation or reappropriation from the state general fund for fiscal year ending June 30, 2010, for the department of social and rehabilitation services, Kansas health policy authority, or the department on aging which are required to meet caseload obligations under the state medicaid plan including nursing facilities, general medical, targeted case management, mental health, community supports and services, or addiction and prevention services or for the department of social and rehabilitation services to meet caseload obligations for nursing facilities for mental health, general assistance, tem-

porary assistance for families, foster care and reintegration services contracts, adoption services contracts or caseloads associated with the home and community based services waivers for individuals with developmental disabilities and individuals with physical disabilities, as certified by the director of the budget to the director of accounts and reports for the purposes of this clause (2): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this clause (2), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.”;

On roll call, the vote was: Yeas 65; Nays 49; Present but not voting: 0; Absent or not voting: 11.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Grange, Grant, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Lukert, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Williams, K. Wolf, Yoder.

Nays: Ballard, Benlon, T. Brown, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Henderson, Henry, Kelley, King, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, Menghini, Neighbor, Pauls, Peterson, Phelps, Quigley, Rardin, Ruiz, Sawyer, Slatery, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Winn, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, George, Hawk, Huebert, Landwehr, Light, Navinsky, Neufeld, Pottorff, Roth, Shultz.

The motion of Rep. A. Brown prevailed.

Also, on motion of Rep. Schwartz, **H. Sub. for SB 22** be amended on page 146 of the typed version of the bill, after line 7, by inserting the following:

“Sec. 117. (a) Within 10 days after the effective date of this act, each state agency anticipating receipt of federal funds under the American recovery and reinvestment act of 2009, hereinafter referred to in this section as the “federal act,” shall report the following information to the director of the budget and the director of legislative research:

(1) The amount of federal funding the state agency anticipates receiving under the federal act;

(2) the date or dates when the state agency anticipates receipt of moneys under the federal act;

(3) whether the anticipated federal funding is allocated through an existing or new federal program;

(4) current levels of state funding for the state agency that is appropriated, requested or credited to and available in any fund or account appropriated for the state agency that would be impacted positively or negatively by the receipt of moneys under the federal act;

(5) whether additional appropriation authority would be necessary to expend moneys received under the federal act;

(6) whether any additional state employees are necessary to oversee or administer the moneys received under the federal act and, if so, how many full-time equivalent positions would be required;

(7) any requirements under the federal act associated with spending any moneys received under the federal act, including, but not limited to, state matching or cost sharing requirements, percentage limitations and any time requirements regarding expenditure of such moneys;

(8) the time or other conditions under which all or part of the funding ends under the federal act;

(9) a plan detailing how the moneys received under the federal act will be expended and how the state agency will address the absence of such funding after it ends; and

(10) to the extent such information is made available to the state agency, the amount of moneys any units of local government or local educational agencies anticipate receiving under the federal act and the purpose for which such moneys are to be used.

(b) Each state agency shall review and evaluate whether the state agency is eligible for and would request funding under any provision of the federal act. If any state agency determines it is eligible and desires to receive funding under any provision of the federal act, such state agency shall notify the director of the budget and the director of legislative research, within 10 days after the effective date of this act, of such determination and shall provide the following information in conjunction with such notification:

- (1) The amount of moneys the state agency desires to receive under the federal act;
- (2) each of the titles and sections of the federal act under which the desired moneys are provided;
- (3) the requirements and deadline for applying for the desired funding under the federal act;
- (4) the requirements associated with the desired funding, including, but not limited to, spending limitations, state matching or cost sharing requirements, percentage limitations and any time requirements regarding expenditure of such funding;
- (5) when the funding provided under the federal act would end;
- (6) whether additional appropriation authority would be necessary to expend moneys received under the federal act;
- (7) whether any additional state employees are necessary to oversee or administer the moneys received under the federal act and, if so, how many full-time equivalent positions would be required;
- (8) the number of potential jobs created by the use of any moneys received under the federal act, including all rationales and supporting data justifying the state agency's estimate of the number of jobs to be created; and
- (9) a plan detailing how the funds received under the federal act will be expended and how the state agency will address the absence of funding after the funding provided under the federal act ends.

(c) Each state agency that applies for and receives or is approved to receive moneys under the federal act shall notify the director of the budget and the director of legislative research immediately of such receipt or approval and shall include such related information with such notification as may be requested by the director of the budget. Each such state agency expending moneys received under the federal act shall make such expenditures in accordance with the provisions of appropriation acts in compliance with the provisions of applicable state statutes.

(d) Within 30 days after the effective date of this act, the director of legislative research shall publish on the website for the legislative research department the following information received from state agencies: (1) The amount of moneys the state agency has received or is approved to receive under the federal act; (2) the dates when such moneys are received and when such funding would end, as the case may be; (3) a general description of the purpose for which the moneys are to be expended; and (4) to the extent such information is made available, the information required by paragraphs (1), (2) and (3) as they apply to units of local government or local educational agencies receiving moneys under the federal act. Such information shall be presented in a form whereby persons viewing the website can easily discern which agency has received or is approved to receive moneys under the federal act and purpose for which those moneys are to be used.

(e) Any individual employed by a state agency in connection with or as a result of funding received under the federal act shall be a temporary employee and such employment shall not continue beyond the expenditure of the moneys received under the federal act.

(f) The American recovery and reinvestment act advisory group that was established by the governor, hereinafter referred to in this section as the advisory group, shall review all state agency information submitted to the director of the budget under this section and shall submit a written report of its findings and non-binding recommendations to the governor, president of the senate, speaker of the house of representatives, vice-president of the senate, speaker pro tem of the house of representatives, majority leader of the senate, majority leader of the house of representatives, minority leader of the senate, minority leader of the

house of representatives, chairperson of the committee on ways and means of the senate, chairperson of the committee on appropriations of the house of representatives, director of the budget, and director of legislative research within 30 days after the effective date of the federal act. The findings and recommendations of the advisory group shall include:

(1) Which funds under the federal act the governor should request or approve state agency requests for, with priority given to funds that are allocated under the federal act for one-time projects or reducing the need for expenditures from the state general fund dollars in the fiscal years ending June 30, 2010, or June 30, 2011, without the need for future, ongoing state expenditures;

(2) potential impacts or savings to the state general fund which may result from the receipt of the recommended funds under the federal act;

(3) positive and negative impacts to state agency budgets for the fiscal years ending June 30, 2010, June 30, 2011, and June 30, 2012, if the recommended funding is requested and received under the federal act;

(4) whether state agencies have adequate appropriation authority for expenditure of the funds recommended to be requested and received under the federal act; and

(5) any other recommendations or information as the governor may request.

(g) Records containing information submitted by state agencies to the director of the budget and the recommendations and findings of the advisory group are public records and subject to the provisions of the open records act.

(h) Nothing in this section shall prohibit local governments, local educational agencies as defined in the federal act, or any eligible entity as determined under the federal act from seeking federal funding under the federal act.

(i) As used in this section, "state agency" means any state office or officer, department, board, commission, institution, bureau or any agency, division or unit within any office, department, board, commission or other state authority.;"

Any by renumbering the remaining section accordingly;

Also, on motion of Rep. Kelley to amend **H. Sub. for SB 22**, the motion did not prevail. Also, on further motion of Rep. Kelley to amend, the motion did not prevail.

Also, on motion of Rep. Schwab to amend **H. Sub. for SB 22**, the motion did not prevail;

Also, roll call was demanded on motion to recommend **H. Sub. for SB 22** favorably for passage.

On roll call, the vote was: Yeas 53; Nays 62; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Colloton, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, KleeB, Knox, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Seiwert, Siegfried, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, Yoder.

Nays: Ballard, Benlon, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, Huntington, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Quigley, Rardin, Ruiz, Sawyer, Schwartz, Slatery, Sloan, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, George, Hawk, Landwehr, Navinsky, Neufeld, Pottorff, Roth, Shultz, Swanson.

The motion to recommend **H. Sub. for SB 22** favorably for passage did not prevail.

REPORTS OF STANDING COMMITTEES

Select Committee on KPERS recommends **HB 2400** be amended on page 3, in line 25, by striking "and" and inserting a comma; also in line 25, after "2008" by inserting "and 2009"; in line 27, by striking "2009" and inserting "2010";

On page 6, in line 24, by striking “2010” and inserting “2011”; in line 28, by striking “\$13,490,000” and inserting “\$18,410,000”;

On page 1, in the title, in line 12, by striking “2010” and inserting “2011”; 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. 105, by Representative Crow, congratulating Patton Junior High School on their 50th Anniversary;

Request No. 106, by Representative Trimmer, congratulating Christian Hawkins on attaining the Eagle Scout Award;

Request No. 107, by Representative Trimmer, congratulating Stetson Deets on attaining the Eagle Scout Award;

Request No. 108, by Representative Trimmer, congratulating David Love on attaining the Eagle Scout Award;

Request No. 109, by Representative Trimmer, congratulating Kerry Love on attaining the Eagle Scout Award;

Request No. 110, by Representative Kiegerl, congratulating Louis and Edith Soetaert on their 65th Wedding Anniversary;

Request No. 111, by Representatives Davis and Ballard, congratulating Carlyne Conyers on her retirement from the SRS after 39 years of service;

Request No. 112, by Representative Mast, commending Matt Garbe on achieving the Eagle Scout Award;

Request No. 113, by Representative Seiwert, commending Budd Fountain for his 12 years of service on the Ark Valley Electric Board;

Request No. 114, by Representative Menghini, congratulating William J. Mitchelson on attaining the Eagle Scout Award;

Request No. 115, by Representative Fund, congratulating Marie Clement for being named Ms. Wheelchair Kansas 2009;

Request No. 116, by Representative Merrick, commending Captain George Acingier for thirty-two years of dedication to public safety;

Request No. 117, by Representative Bethell, commending Major Robert Livingston Ober for service to the United States of America and the State of Kansas;

Request No. 118, by Representative Schwartz, congratulating Leo and Eileen on their 60th Wedding Anniversary;

Request No. 119, by Representatives Ballard and Davis, congratulating Scott Harris, Head Coach of the Kansas University Debate Team for 18 years in recognition of winning the 2009 national Debate Tournament Championship;

Request No. 120, by Representatives Ballard and Davis, congratulating Sarah Topp, Kelly Winfrey and Athena Murray, coaches for the Kansas University Debate Team, on winning the 2009 National Debate Tournament;

Request No. 121, by Representatives Ballard and Davis, congratulating Brett Bicker and Nate Johnson, members of the Kansas University Debate Team on defeating National Champion Wake Forest to win the 2009 National Debate Tournament Championship;

Request No. 122, by Representative Bowers, congratulating Marjorie Martin on her 100th birthday;

Request No. 123, by Representative Feuerborn, congratulating Christopher Michael Garber on attaining the Eagle Scout Award;

Request No. 124, by Representative Moxley, congratulating Arlan and Sarahmae Swanson on their 50th Wedding Anniversary;

Request No. 125, by Representative Seiwert, congratulating Cindy Couchman on being named 2009 Kansas Teacher of the Year;

Request No. 126, by Representative Henderson, congratulating Jessica Croft on graduating from Summer Academy;

Request No. 127, by Representative Bowers, commending Steven J. Steier for achieving the rank of Eagle Scout;

Request No. 128, by Representative Henderson, congratulating Nicholas T. Gaitan on graduating from Summer Academy;

Request No. 129, by Representative Henderson, congratulating Charvis Q. Johnson on graduating from Summer Academy;

Request No. 130, by Representative Henderson, congratulating Robert Graham on graduating from F. L. Schlagle;

Request No. 131, by Representative Henderson, congratulating Taylor D. Boykin on graduating from Shawnee Mission West High School;

Request No. 132, by Representative M. Holmes, congratulating St. John High School in recognition of winning the 1A 2009 Girls Kansas State Basketball and Volleyball Championships;

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.

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 311; SB 336**.

Announcing passage of **HB 2099**, as amended by **S. Sub. for HB 2099; HB 2195**, as amended.

The Senate adopts conference committee report on **S. Sub. for HB 2267**.

The Senate not adopts the conference committee report on **HB 2060**, requests a new conference committee be appointed and has appointed Senators Owens, D. Schmidt and Haley as third 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:

Sub. SB 311; SB 336.

REPORT ON ENROLLED RESOLUTIONS

HR 6029 reported correctly enrolled and properly signed on May 1, 2009.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Monday, May 4, 2009.

Journal of the House

SIXTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, May 4, 2009, 10:00 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, George, Kelley and Peterson were excused on excused absence by the Speaker.

Rep. Hawk was excused later in the day on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Steve L. Vaughn, Senior Pastor, Fairlawn Nazarene Church, Topeka:

Gracious Father of heaven and earth grant us another day to live. In this day give patience to proceed, the guidance to go and wisdom to wait. May you bless these your servants, to honor you with more than their words but with their actions and duties to govern this moment in time.

Help us to realize that without a sense of urgency, desire loses its value. May the presence of your spirit engulf this place with your power and might to oversee another day, another breath and another heartbeat.

I especially pray for those serving our state, county and local cities as police personnel, firefighters and emergency personnel. Be with them in their duties and heroic actions as they continue to protect and serve.

May you follow this day, bless this great country we call the home of the free and the brave.

In Christ's name I ask. Amen.

The Pledge of Allegiance was led by Rep. Ruiz.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **Sub. SB 311**.

Committee of the Whole: **SB 336**.

Taxation: **HB 2404, HB 2405, HB 2406, HB 2407**.

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 HB 2032; HB 2060; S. Sub. for HB 2099; HB 2195**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **HB 2060**.

Speaker O'Neal thereupon appointed Reps. Colloton, Patton and McCray-Miller as third conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Powell, the House concurred in Senate amendments to **S. Sub. for HB 2032**, An act enacting the Kansas surface owner notice act; relating to oil and gas operations; state corporation commission; amending K.S.A. 55-155, 55-173 and K.S.A. 2008 Supp. 55-151 and repealing the existing sections.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Benlon, 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, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafaneli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Bethell, George, Goico, Hawk, Kelley, McLeland, Peterson.

On motion of Rep. Kinzer, the House concurred in Senate amendments to **S. Sub. for HB 2099**, An act concerning open records; amending K.S.A. 2008 Supp. 45-221, as amended by section 27 of 2009 House Bill No. 2052 and repealing the existing section; also repealing K.S.A. 2008 Supp. 45-221, as amended by section 2 of 2009 Senate Bill No. 87.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Benlon, 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, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafaneli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Bethell, George, Goico, Hawk, Kelley, McLeland, Peterson.

On motion of Rep. Morrison, the House nonconcurred in Senate amendments to **HB 2195** and asked for a conference.

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

REPORT ON ENROLLED RESOLUTIONS

HCR 5023 reported correctly enrolled and properly signed on May 4, 2009.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Tuesday, May 5, 2009.

Journal of the House

SIXTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, May 5, 2009, 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. Aurand, Peterson and Rardin were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Steve L. Vaughn, Senior Pastor, Fairlawn Nazarene Church, Topeka:

Father of today thank you for another day of life. Thank you for a day to see the sun come up one more time. Thank you for the opportunity to have an occupation to come to work to. Thank you for these men and women who by election see your wisdom and guidance during these hours.

I especially pray for our educators across the state of Kansas as they lead and teach the youth of today and the leaders of tomorrow. Help them to relay to our kids that happiness is the experience of living a life you feel is worthwhile.

May today be a day of thankfulness for your greatness and blessings to this nation, to our leaders and to our families.

May we acknowledge we have nothing without you in our lives.
In Jesus' name I ask. Amen.

The Pledge of Allegiance was led by Rep. Lane.

INTRODUCTION OF GUESTS

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

Remarks by Rep. Kerschen:

The College of Agriculture at Kansas State University has had a long and distinguished history of excellence in education and applied research in the food production industry in the State of Kansas and the United States as well.

Today we have the privilege of honoring the Department of Agronomy and the 2009 Soils Judging Team for their achievements at the National Collegiate competition that took place in Springfield, Missouri at Missouri State University March 26 through April 3.

The K-State team placed first among the 23 universities that competed. Following K-State in second place was Purdue University with West Virginia finishing third.

Remarks by Rep. Hawk:

As you will find out later from Rep. Carlin, this team is special. It shows that the "apple does not fall far from the tree". Representative Kerschen's daughter is one of the outstanding members of this team. The team is coached by Dr. Mickey Ransom, Professor of Agronomy, who is assisted by Paul Hartley, Agronomy graduate student from Emporia. Dr. Ransom is highly qualified to coach these outstanding students. He has attained many awards during his tenure at K-State where his assignment is 70% teaching and 30% research. His recent awards are as Outstanding Scholar at KSU in 2007, Outstanding Teaching in 1993, and Outstanding Advising in 1997. His achievements as coach extend into last year when the

2008 Soils Team was the first National Championship ever and the team is now bringing back to back National titles to K-State this year. As President Wefald would say as he constantly praises and promotes Kansas State, this team is the undisputed, two time National Champs . . . period, amen and good night! Congratulations Coach Ransom and the 2009 National Soils Judging Team Champions.

Remarks by Rep. Carlin:

I would like to introduce the 2009 team members: Kelsey McGie, Iola; Kim Kerschen, Garden Plain; Timothy Foster, Middleburg, Vermont; Stuart Watts, Manhattan; Angela Tran, Prairie Village; Kerri Neugebauer, Grandview, Missouri; Josh Klein, Protection; and Andrew McGowan, Prairie Village.

Andrew is Kansas State University's 21st Morris K. Udall Scholar and is currently studying in China.

Please join us in congratulating the 2009 Soils Team on their National Championship.

Rep. Kerschen presented Dr. Ransom with a framed House certificate.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2295**, as amended by **S. Sub. for HB 2295**.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Williams, **HR 6030**, A resolution designating May 8 as Military Family Appreciation Day, was adopted.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Colloton, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, to suspend the rules for the purpose of considering **HB 2130**, the motion, not having received the required 63 votes, did not prevail.

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

AFTERNOON SESSION

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

REPORT ON ENROLLED BILLS

S. Sub. for HB 2032; S. Sub. for HB 2099 reported correctly enrolled, properly signed and presented to the governor on May 5, 2009.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Wednesday, May 6, 2009.

Journal of the House

SIXTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, May 6, 2009, 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. Aurand, Peterson and Rardin were excused on excused absence by the Speaker.
Present later: Rep. Aurand

Prayer by guest chaplain, the Rev. Steve L. Vaughn, Senior Pastor, Fairlawn Nazarene Church, Topeka:

Lord, the world wants to pound us down. We are controlled by clocks, traffic lights, endless lines, and requested participation in events. Our energies are drained and our nerves become frayed. The trials and demands continue without end, and they often seem urgent, even chaotic.

Help us to separate trial from opportunity, replace demand with sacrifice. Help us to replace urgency with submission to your will, forgiveness instead of frustration. Give us the gift of patience. Help us to display leadership rather than demanding respect of the title. Help us to relax instead of regret. Help us to be fresh in wisdom and not frustrated in thought.

Father grant a special prayer to those in our military here at home and abroad as they protect our freedom and those who have yet to breathe freedom. Be with their families as they serve in harm's way. Surround them with your mercies and protection. Give them another day to see the sun rise and set. May they know that we as the United States of America stand united in our support of their lives more than their cause or career.

In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Long.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2373**, as amended by **S. Sub. for HB 2373**.

The Senate accedes to the request of the House for a conference on **HB 2195** and has appointed Senators Vratil, McGinn and Kelly as conferees on the part of the Senate.

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 2295**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Powell, the House concurred in Senate amendments to **S. Sub. for HB 2295**. An act concerning agriculture; relating to application of swine waste; fees for pesticide and fertilizer programs; fees for milk and dairy products; amending K.S.A. 2-2203, 2-2205, 2-2206, 2-2207, 2-2209, 2-2214, 2-2440a, 2-2440c, 2-2440e, 2-2446, 2-2449, 2-2450, 2-2454, 2-2455, 2-2470 and 2-2471 and K.S.A. 2008 Supp. 2-1205, 2-2202, 2-2204, 2-2438a, 2-2440, 2-2440b, 2-2441a, 2-2443a, 2-2445a, 2-2469, 2-2905, 2-2906, 2-3304, 2-3306, 2-

3309, 2-3318, 65-778, 65-781 and 65-1,182 and repealing the existing sections; also repealing K.S.A. 2-1211 and 2-2466.

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

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colleton, 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, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, 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, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Gordon, Knox.

Present but not voting: None.

Absent or not voting: Aurand, Peterson, Rardin.

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 171**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 171**, 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, by striking all in lines 15 through 43;

By striking all of pages 2 through 5 and inserting in lieu thereof the following:

"Section 1. K.S.A. 25-1218 is hereby amended to read as follows: 25-1218. (a) The secretary of state shall prescribe the form of official federal services absentee ballots. Such ballots shall provide for voting for all officers; ~~other than precinct committeeman and committeewoman, for whom the voter would otherwise be entitled to vote and shall also provide for voting on any proposed amendment to the constitution of the state of Kansas and any other and on any proposition or question which is to be submitted to a vote of the qualified electors of the state at large for which the voter would otherwise be entitled to vote.~~ Such ballots shall be uniform in size and in style of type, and the type and paper shall conform generally to that used for the regular official ballots. The respective county election officers shall cause to be prepared and printed such numbers of ballots as may be appropriate for carrying out the provisions of this act.

(b) Such ballots shall contain the title of each office to be voted for, followed by the name and address of each nominated candidate for each office, the party or independent body nominating such candidate, a designation of the political subdivision to be represented, and a blank space for writing in the name of any other person for whom the voter desires to vote, ~~except that. Except for precinct committee men and committee women~~ no such blank space shall be printed on the primary ballot following the title of any office for which there is a candidate.

Sec. 2. K.S.A. 2008 Supp. 25-1124 is hereby amended to read as follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter shall cast such voter's vote as follows: The voter shall make a cross or check mark in the square or parentheses opposite the name of each candidate or question for whom the voter desires to vote. The voter shall make no other mark, and shall allow no other person to make any mark, upon such ballot. If the advance voting ballot was transmitted by mail, the voter personally shall place the ballot in

the ballot envelope bearing the same number as the ballot and seal the envelope. The voter shall complete the form on the ballot envelope and shall sign the same. Except as provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope shall be mailed or otherwise transmitted to the county election officer. If the advance voting ballot was transmitted to the voter in person in the office of the county election officer or at a satellite advance voting site, the voter may deposit such ballot into a locked ballot box without an envelope.

(b) Any sick, physically disabled or illiterate voter who is unable to apply for or mark or transmit an advance voting ballot, may request assistance by a person who has signed a statement required by subsection (d) in applying for or marking an advance voting ballot.

(c) Any voted ballot may be transmitted to the county election officer by the voter or by another person ~~upon request of~~ *designated in writing by* the voter. Any such voted ballot shall be transmitted to the county election officer before the close of the polls on election day.

(d) The county election officer shall allow a person to assist a sick, physically disabled or illiterate voter in applying for or marking an application or advance voting ballot, provided a written statement is signed by the person who renders assistance to the sick, physically disabled or illiterate voter and submitted to the county election officer with the application or ballot. The statement shall be on a form prescribed by the secretary of state and shall contain a statement from the person providing assistance that the person has not exercised undue influence on the voting decision of the sick, physically disabled or illiterate voter and that the person providing assistance has completed the application or marked the ballot as instructed by the sick, physically disabled or illiterate voter.

(e) Any person assisting a sick, physically disabled or illiterate voter in applying for or marking an advance voting ballot who knowingly and willfully fails to sign and submit the statement required by this section or who exercises undue influence on the voting decision of such voter shall be guilty of a severity level 9 nonperson felony.

Sec. 3. K.S.A. 2008 Supp. 25-1128 is hereby amended to read as follows: 25-1128. (a) No voter shall mark or transmit to the county election officer more than one advance voting ballot, or set of one of each kind of ballot, if the voter is entitled to vote more than one such ballot at a particular election.

(b) Except as provided in K.S.A. 25-1124, and amendments thereto, no person shall interfere with or delay the transmission of any advance voting ballot application from a voter to the county election officer, nor shall any person mail, fax or otherwise cause the application to be sent to a place other than the county election office. Any person or group engaged in the distribution of advance voting ballot applications shall mail, fax or otherwise deliver any application signed by a voter to the county election office within two days after such application is signed by the applicant.

(c) *Except as otherwise provided by law, no person other than the voter shall sign an application for an advance voting ballot for such voter.*

~~(d)~~ (d) Except as otherwise provided by law, no person other than the voter, shall mark, sign or transmit to the county election officer any advance voting ballot or advance voting ballot envelope.

~~(e)~~ (e) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-1124, and amendments thereto, shall intercept, interfere with, or delay the transmission of advance voting ballots from the county election officer to the voter.

~~(f)~~ (f) No person shall willfully and falsely affirm, declare or subscribe to any material fact in an affirmation form for an advance voting ballot, or set of advance voting ballots if the voter is entitled to vote more than one kind of advance voting ballot at a particular election, or in a declaration form on an advance voting ballot envelope.

~~(g)~~ Nothing in this section shall be construed to prohibit any person from mailing, carrying or otherwise conveying advance voting ballots or sets of advance voting ballots to the county election officer upon request of advance voting voters.

(g) *A voter may return such voter's advance voting ballot to the county election office by personal delivery or by mail. Upon written designation showing the date and signature by the voter on the ballot envelope, a person other than the voter may be designated to return the advance voting ballot by personal delivery or mail. Any such person designated by the voter shall sign a statement and date such statement at the time the ballot is taken from the*

voter and which statement appears on the ballot envelope that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter. Any person designated by a voter to deliver such voter's advance voting ballot shall mail or deliver the ballot and the designation and statement required by this section to the county election office. Such delivery shall occur within two business days after receiving the ballot from the voter but not later than the close of polls on election day.

~~(g)~~ (h) Violation of any provision of this section is a ~~class C misdemeanor~~ severity level 9 nonperson felony. No person may be found to have violated subsection (g) unless there is evidence the violation was knowingly and willfully done.

Sec. 4. K.S.A. 25-205 is hereby amended to read as follows: 25-205. (a) Except as otherwise provided in this section, the names of candidates for national, state, county and township offices shall be printed upon the official primary ballot when each shall have qualified to become a candidate by one of the following methods and none other: (1) They shall have had filed in their behalf, not later than 12:00 noon, ~~June 10~~ June 1, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12:00 noon of the next following day that is not a Saturday, Sunday or a holiday, nomination petitions, as provided for in this act; except that in 1998, candidates for judge or district magistrate judge of the district court for positions created in 1998 in those judicial districts that have not approved the proposition of nonpartisan selection of judges of the district court shall have filed in their behalf, not later than 12:00 noon, July 1, 1998, nomination petitions, as provided for in this act; or (2) they shall have filed not later than the time for filing nomination petitions, as above provided, with the proper officer a declaration of intention to become a candidate, accompanied by the fee required by law. Such declaration shall be prescribed by the secretary of state.

(b) Nomination petitions shall be in substantially the following form:

I, the undersigned, an elector of the county of _____, and state of Kansas, and a duly registered voter, and a member of _____ party, hereby nominate _____, who resides in the township of _____ (or at number _____ on _____ street, city of _____), in the county of _____ and state of Kansas, as a candidate for the office of (here specify the office) _____, to be voted for at the primary election to be held on the first Tuesday in August in _____, as representing the principles of such party; and I further declare that I intend to support the candidate herein named and that I have not signed and will not sign any nomination petition for any other person, for such office at such primary election.

(HEADING)

Name of Signers.	Street Number or Rural Route (as registered).	Name of City.	Date of Signing.
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All nomination petitions shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

(c) Each signer of a nomination petition shall sign but one such petition for the same office, and shall declare that such person intends to support the candidate therein named, and shall add to such person's signature and residence, if in a city, by street and number (if any); or, otherwise by post-office address. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address they shall be continuous and clearly made. Such sheets shall not be cut or pasted together.

(d) All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit described in this paragraph of a petition circulator who is a resident of the state of Kansas and has the qualifications of an elector in the state of Kansas or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator or the candidate, to the effect that such circulator or the candidate personally witnessed the signing of the petition by each person whose name appears thereon.

(e) Except as otherwise provided in subsection (g), nomination petitions shall be signed:

(1) If for a state officer elected on a statewide basis or for the office of United States senator, by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the state as compiled by the office of the secretary of state;

(2) If for a state or national officer elected on less than a statewide basis, by voters equal in number to not less than 2% of the total of the current voter registration of the party designated in such district as compiled by the office of the secretary of state, except that for the office of district magistrate judge, by not less than 2% of the total of the current voter registration of the party designated in the county in which such office is to be filled as certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto;

(3) If for a county office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such district or county as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto; and

(4) If for a township office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such township as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto.

(f) Subject to the requirements of K.S.A. 25-202, and amendments thereto, any political organization filing nomination petitions for a majority of the state or county offices, as provided in this act, shall have a separate primary election ballot as a political party and, upon receipt of such nomination petitions, the respective officers shall prepare a separate state and county ballot for such new party in their respective counties or districts thereof in the same manner as is provided for existing parties.

(g) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas or member of the state board of education:

(1) If new boundary lines are defined and districts established in the manner prescribed by law on or before May ~~10~~ 1, nomination petitions for nomination to such offices shall be signed by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the district as compiled by the office of the secretary of state.

(2) If new boundary lines are defined and districts established in the manner prescribed by law on or after May ~~11~~ 2, nomination petitions for nomination to the following offices shall be signed by registered voters of the party designated in the district equal in number to not less than the following:

- (A) For the office of representative in the United States congress 1,000 registered voters;
- (B) for the office of member of the state board of education 300 registered voters;
- (C) for the office of state senator 75 registered voters; and
- (D) for the office of state representative 25 registered voters.

(h) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas or member of the state board of education:

(1) If new boundary lines are defined and districts established in the manner prescribed by law on or before June ~~10~~ 1, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be 12:00 noon on June ~~24~~ 15, or if such date falls on a Saturday, Sunday or a holiday, then before 12:00 noon of the next following day that is not a Saturday, Sunday or holiday.

(2) If new boundary lines are defined and districts established in the manner prescribed by law on or after June ~~11~~ 2, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be 12:00 noon on July ~~12~~ 3, or if such date falls on a Saturday, Sunday or holiday, then before 12:00 noon of the next day that is not a Saturday, Sunday or holiday.

Sec. 5. K.S.A. 25-4004 is hereby amended to read as follows: 25-4004. The provisions of K.S.A. 25-205, and amendments thereto, shall not apply to the offices of governor and lieutenant governor. The names of candidates for governor and lieutenant governor shall be printed upon the official primary ballot when each pair thereof shall have qualified to become candidates in one or the other of the following methods and none other: *First*, they shall have had filed in their behalf, not later than ~~twelve o'clock 12:00 noon, June 10~~ *June 1*, prior to such primary election, or if such date falls on Saturday, Sunday or a legal holiday, then before twelve o'clock noon the following business day, nomination papers, commonly called nomination petitions, as provided for in K.S.A. 25-4005, and amendments thereto; or, *second*, they shall have filed not later than the time for filing nomination papers, as above provided, with the secretary of state, as hereinafter prescribed, a declaration of intention to become candidates, accompanied by a fee as provided in K.S.A. 25-4006, and amendments thereto.

Sec. 6. K.S.A. 2008 Supp. 25-1216 is hereby amended to read as follows: 25-1216. (a) Every person who is qualified and eligible to vote by federal services absentee ballot under the provisions of this act may make application for such ballot to the county election officer of the county of such voter's residence or to the secretary of state. Such application shall be made by postcard application provided for and prescribed in the federal act or on a form to be prescribed by the secretary of state. Any such application shall be valid for any election at which such voter otherwise is entitled to vote between the date of the application through the next two regularly scheduled general elections for national or state office.

(b) If the voter is residing outside the United States or is a member of the United States armed forces or a spouse or dependent of a member of the armed forces and a qualified elector and cannot vote timely by mail, the voter may apply for registration and an absentee ballot by facsimile or *electronic mail*. The voter may also request that the county election officer transmit to such voter by facsimile or *electronic mail* a ballot, or a second ballot, as the case may be. The voter may then either mail or transmit by facsimile or *electronic mail* such voter's voted ballot, back to the county election officer.

If the voter chooses to transmit the voted ballot to the county election officer by facsimile or *electronic mail*, the transmittal shall contain the following statement: "I understand that by faxing or *electronically mailing* my voted ballot I am voluntarily waiving my right to a secret ballot." This statement shall be followed by the voter's signature and the date. Upon receipt of the transmittal, the county election officer shall place the voted ballot along with the signed statement and affidavit in an appropriately marked envelope and seal it. The county election officer and such officer's staff shall take the steps necessary to keep the voted ballots received by facsimile or *electronic mail* as confidential as practicable.

Sec. 7. K.S.A. 25-205, 25-1218 and 25-4004 and K.S.A. 2008 Supp. 25-1124, 25-1128 and 25-1216 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, in line 10, by striking all after "concerning"; by striking all in line 11; in line 12, by striking all before the period and inserting "elections; pertaining to efficiency in handling ballots from military personnel and other official services absentee voters; pertaining to advance voting ballots; pertaining to candidate filing deadlines; amending K.S.A. 25-205, 25-1218 and 25-4004 and K.S.A. 2008 Supp. 25-1124, 25-1128 and 25-1216 and repealing the existing sections.;"

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

STEVE HUEBERT
SCOTT SCHWAB
Conferees on part of House

VICKI SCHMIDT
PAT APPLE
Conferees on part of Senate

On motion of Rep. Huebert, the conference committee report on **SB 171** was adopted.

On roll call, the vote was: Yeas 68; Nays 53; Present but not voting: 1; Absent or not voting: 3.

Yeas: Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleebl, Knox, Landwehr, Light, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Schwab, Schwartz, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Talia, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bethell, Bowers, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, Palmer, Pauls, Phelps, Quigley, Roth, Ruiz, Sawyer, Schroeder, Seiwert, Slattery, Svaty, Swenson, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: Moxley.

Absent or not voting: Aurand, Peterson, Rardin.

MESSAGE FROM THE SENATE

The President announced the appointment of Senators Emler and Vratil as members of the conference committee on **H. Sub. for SB 168** to replace Senators V. Schmidt and Apple.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 205** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL No. 205," as follows:

"HOUSE Substitute for SENATE BILL No. 205

By Committee on Appropriations

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, 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, procedures and acts incidental to the foregoing; amending K.S.A. 2008 Supp. 72-8814, 76-7,107, as amended by section 139 of 2009 Senate Substitute for House Bill No. 2354, 79-2979, as amended by section 143 of 2009 Senate Substitute for House Bill No. 2354, 79-3425i, as amended by section 144 of 2009 Senate Substitute for House Bill No. 2354, and 79-34,156, as amended by section 91 of 2009 House Substitute for Substitute for Senate Bill No. 23, and repealing the existing sections; also repealing section 102 of 2009 Senate Substitute for House Bill No. 2354."; and the substitute bill be passed.

(**H. Sub. for SB 205** was thereupon introduced and read by title.)

COMMITTEE ASSIGNMENT CHANGE

Rep. Slattery is appointed to replace Rep. Rardin on Committee on Taxation.

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 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 2072**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2072**, submits the following report:

The Senate recedes from all of its 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 14, by inserting the following:

“Section 1. K.S.A. 2008 Supp. 74-4914 is hereby amended to read as follows: 74-4914.

(1) The normal retirement date for a member of the system shall be the first day of the month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 30 days and the attainment of age 65 or, commencing July 1, 1993, age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the member is equal to or more than 85. In no event shall a normal retirement date for a member be before six months after the entry date of the participating employer by whom such member is employed. A member may retire on the normal retirement date or on the first day of any month thereafter upon the filing with the office of the retirement system of an application in such form and manner as the board shall prescribe. Nothing herein shall prevent any person, member or retirant from being employed, appointed or elected as an employee, appointee, officer or member of the legislature. Elected officers may retire from the system on any date on or after the attainment of the normal retirement date, but no retirement benefits payable under this act shall be paid until the member has terminated such member's office.

(2) No retirant shall make contributions to the system or receive service credit for any service after the date of retirement.

(3) Any member who is an employee of an affiliating employer pursuant to K.S.A. 74-4954b and amendments thereto and has not withdrawn such member's accumulated contributions from the Kansas police and firemen's retirement system may retire before such member's normal retirement date on the first day of any month coinciding with or following the attainment of age 55.

(4) Any member may retire before such member's normal retirement date on the first day of any month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 30 days and the attainment of age 55 with the completion of 10 years of credited service, but in no event before six months after the entry date, upon the filing with the office of the retirement system of an application for retirement in such form and manner as the board shall prescribe.

(5) On or after July 1, 2006, for any retirant who is first employed or appointed in or to any position or office by a participating employer other than a participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, *and, on or after April 1, 2009, for any retirant who is employed by a third-party entity who contracts services with a participating employer other than a participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation to fill a position covered under subsection (a) of K.S.A. 72-5410, and amendments thereto, with such retirant,* such participating employer shall pay to the system the actuarially determined employer contribution and the statutorily prescribed employee contribution based on the retirant's compensation during any such period of employment or appointment. If a retirant who retired on or after July 1, 1988, is employed or appointed in or to any position or office for which compensation for service is paid in an amount equal to \$15,000 or more, or commencing in calendar year 2006, and all calendar years thereafter, \$20,000 or more in any one such calendar year, by any participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, *and, on or after April 1, 2009, by any third-party entity who contracts services to fill a position covered under subsection (a) of K.S.A. 72-5410, and amendments thereto, with such retirant with a participating employer for which such retirant was*

employed or appointed during the final two years of such retiree's participation, such retiree shall not receive any retirement benefit for any month for which such retiree serves in such position or office. The participating employer who employs such retiree whether by contract directly with the retiree or through an arrangement with a third-party entity shall report to the system within 30 days of when the compensation paid to the retiree is equal to or exceeds any limitation provided by this section. Any participating employer who contracts services with any such third-party entity to fill a position covered under subsection (a) of K.S.A. 72-5410, and amendments thereto, shall include in such contract a provision or condition which requires the third-party entity to provide the participating employer with the necessary compensation paid information related to any such position filled by the third-party entity with a retiree to enable the participating employer to comply with provisions of this subsection relating to the payment of contributions and reporting requirements. The provisions and requirements provided for in amendments made in this subsection which relate to positions filled with a retiree or employment of a retiree by a third-party entity shall not apply to any contract for services entered into prior to April 1, 2009, between a participating employer and third-party entity as described in this subsection. Any retiree employed by a participating employer or a third-party entity as provided in this subsection shall not make contributions nor receive additional credit under such system for such service except as provided by this section. Upon request of the executive director of the system, the secretary of revenue shall provide such information as may be needed by the executive director to carry out the provisions of this act. The provisions of this subsection shall not apply to retirees employed as substitute teachers or officers, employees or appointees of the legislature. The provisions of this subsection shall not apply to members of the legislature prior to January 8, 2000. The provisions of this subsection shall not apply to any other elected officials prior to the term of office of such elected official which commences on or after July 1, 2000. The provisions of this subsection shall apply to any other elected official on and after the term of office of such other elected official which commences on or after July 1, 2000. Except as otherwise provided, commencing January 8, 2001, the provisions of this subsection shall apply to members of the legislature. For determination of the amount of compensation paid pursuant to this subsection, for members of the legislature, compensation shall include any amount paid as provided pursuant to subsections (a), (b), (c) and (d) of K.S.A. 46-137a, and amendments thereto, or pursuant to K.S.A. 46-137b, and amendments thereto. Notwithstanding any provision of law to the contrary, when a member of the legislature is paid an amount of compensation of \$15,000 or more, or commencing in calendar year 2006, and all calendar years thereafter, \$20,000 or more in any one calendar year, the member may continue to receive any amount provided in subsections (b) and (d) of K.S.A. 46-137a, and amendments thereto, and still be entitled to receive such member's retirement benefit. Commencing July 1, 2005, the provisions of this subsection shall not apply to retirees who either retired under the provisions of subsection (1), or, if they retired under the provisions of subsection (4), were retired more than 30 days prior to the effective date of this act and are licensed professional nurses or licensed practical nurses employed by the state of Kansas in an institution as defined in subsection (b) of K.S.A. 76-12a01 or subsection (f) of K.S.A. 38-2302, and amendments thereto, the Kansas soldiers' home or the Kansas veterans' home. Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature. The participating employer of such retiree shall pay to the system the actuarially determined employer contribution based on the retiree's compensation during any such period of employment.

(6) For purposes of this section, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental units, which occurred on January 1, 1994, may count service with such local governmental unit in determining whether such employee has met the years of credited service requirements contained in this section.”;

And by renumbering the remaining sections accordingly;

On page 4, in line 21, after “Supp.” by inserting “74-4914 and”; also in line 21, by striking “is” and inserting “are”; in line 23, by striking “statute book” and inserting “Kansas register”;

On page 1, in the title, in line 10, by striking “po-”; in line 11, by striking all before “retirement” and inserting “public employees”; also in line 11, after “system” by inserting “and systems thereunder; employment after retirement, retirants employed by third-party entities”; in line 12, after “Supp.” by inserting “74-4914 and”; also in line 12, by striking “section” and inserting “sections”;

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

JOHN VRATIL

CAROLYN MCGINN

LAURA KELLY

Conferees on part of Senate

SHARON SCHWARTZ

CLARK SHULTZ

GERALDINE FLAHARTY

Conferees on part of House

On motion of Rep. Schwartz to adopt the conference committee report on **S. Sub. for HB 2072**, Rep. Neufeld 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. Schwartz, Shultz and Flaharty as second conferees on the part of the House.

REPORT ON ENROLLED RESOLUTIONS

HR 6025, HR 6026, HR 6028 reported correctly enrolled and properly signed on May 6, 2009.

On motion of Rep. Merrick, the House adjourned until 10:30 a.m., Thursday, May 7, 2009.

Journal of the House

SIXTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, May 7, 2009, 10:30 a.m.

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

The roll was called with 124 members present.

Rep. Rardin was excused on excused absence by the Speaker.

Reps. Hawk and Jack were excused later in the day on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Steve L. Vaughn, Senior Pastor, Fairlawn Nazarene Church, Topeka:

We asked you God for strength that we might achieve.

Make us weak, that we might learn humbly to obey . . .

We asked for health that we might do great things.

Give us strength that we might do better things . . .

We ask for riches, that we might be happy.

Give us poverty, that we might be wise . . .

We ask for power, that we might have the praise of people.

Give us weakness, that we might feel the need of God . . .

We ask for all things, that we might enjoy life.

Give us life, that we might enjoy all things . . .

From the Herrman House of Courtland, to the wheat crops of the Cloud
9 Ranch of Cimarron you have blessed us.

From the lakes of Leawood to the history and battles of Fort Scott, you
have blessed us.

From the limestone of Lincoln to the Grand Prix races at Richmond, you
have blessed us.

From the Memorial Day tribute in Soldier to the catacombs of the Capitol
in Topeka, you have blessed us and today we are thankful.

Give us nothing we asked for—but everything we have hoped for.

Despite ourselves, may our unspoken prayers be answered.

We are truly blessed as people of this great state of Kansas yesterday, today
and tomorrow and we are thankful. In Christ's name I ask. Amen.

The Pledge of Allegiance was led by Rep. Winn.

MESSAGE FROM THE SENATE

The Senate adopts the conference committee report to agree to disagree on **HB 2060** and has appointed Senators Owens, D. Schmidt and Kelly as fourth conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Huntington, **HR 6031**, by Reps. Huntington, Benlon, A. Brown, Colloton, Donohoe, Furtado, Kiegerl, Kinzer, Kleeb, Merrick, Neighbor, Olson, Quigley, Rardin, Schwab, Siegfried, Slattery, Spalding, Talia, K. Wolf, Worley and Yoder, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6031—

A RESOLUTION commemorating the 40th anniversary of the founding of Johnson County Community College.

WHEREAS, In 1969, voters approved a \$12.9 million bond issue to buy and build a permanent campus on the present site of Johnson County Community College; and

WHEREAS, Later in 1969, the college was granted correspondent status by the North Central Association of Colleges and Schools and started classes on September 4 at the temporary campus headquartered at Merriam Elementary School. On September 11, the college announced it could not accept any more students because all classes were filled with an enrollment of 1,380 students. In 1970, construction began on the new campus at College Boulevard and Quivira Road; and

WHEREAS, In 1973, the college was fully accredited by the Kansas State Department of Education and by the North Central Association of Colleges and Schools in 1975. Over the years, JCCC has been granted full accreditation at each review and is now accredited through 2011; and

WHEREAS, In 1988, JCCC entered into a unique agreement with Burlington Northern Santa Fe Railroad and built the Industrial Technical Center on campus to house BNSF's national training programs; and

WHEREAS, Today, more than 19,000 credit students and 15,000 continuing education students enroll at JCCC each semester. The campus now holds 20 buildings with full-time faculty and staff of more than 900 and another 1,600 employees working part-time. JCCC offers a full range of undergraduate credit courses consistent with the first two years of most college curricula and has more than 50 one and two-year career and certificate programs to prepare students to enter the job market; and

WHEREAS, Johnson County Community College has become the state's third-largest institution of higher education and remains a board member of the prestigious League for Innovation in the Community College; and

WHEREAS, Throughout the 40 years of JCCC's service to Kansas, it has made a major and long-lasting impact on the education of Kansans and has been a great benefit to the Kansas work force: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we commemorate the 40th anniversary of the founding of Johnson County Community College and that we recognize the many contributions it has made to Kansas; 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 Terrie Huntington.

There being no objection, the following remarks of Rep. Huntington, are spread upon the journal:

This morning I am joined by Dr. Terry Calaway, the fifth President of Johnson County Community College, to honor the 40th anniversary of this unique higher education institution.

In 1969, the voters in Johnson County approved by a 2-1 margin a \$12.9 million bond issue for the purpose of building a community college. Since that time, the college has grown in size and stature. With an initial enrollment of 1380 students, there are now more than 19,000 credit students and 15,000 continuing education students enrolled each semester, taught by a staff that numbers more than 900 full-time and 1600 part-time professionals. In 1978, JCCC became a board member of the League for Innovation in the Community College.

JCCC is the state's third largest higher education institution, and the second largest when counting only undergraduate students.

JCCC is home to The Burlington Northern Santa Fe Railroad national training programs, an agreement entered into in 1988, a premier culinary arts program, nursing, and athletic trainer program.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Huntington, **HR 6032**, by Reps. Huntington, Benlon, A. Brown, Colloton, Donohoe, Furtado, Kiegerl, Kinzer, Kleeb, Merrick, Neighbor, Olson,

Quigley, Rardin, Schwab, Siegfried, Slattery, Spalding, Talia, K. Wolf, Worley and Yoder, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6032—

A RESOLUTION congratulating the Johnson County Community College women's half-marathon team.

WHEREAS, On November 22, 2008, the Johnson County Community College women captured the National Junior College Athletic Association (NJCAA) Half-Marathon National Championship; and

WHEREAS, On the roads and trails that wove through Shawnee Mission Park and Mill Creek Streamway Park, the JCCC women's team battled wind-chill temperatures in the high teens and a field of 185 runners representing 27 teams to capture the women's championship; and

WHEREAS, In winning this year's half-marathon championship, the Johnson County women's team won their fourth team title in the six-year history of the event; and

WHEREAS, Johnson County had two of the top six runners in the final standings with sophomore Temer Yimer placing third with a time of 1:25:08 and sophomore Francis Gipson placing fourth with a time of 1:27:10; and

WHEREAS, The history of success for the Johnson County Community College women's team is particularly impressive considering that training and conditioning for long-distance running competitions like a half-marathon is grueling, requiring incredible levels of dedication and hard-work: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the Johnson County Community College women's half-marathon team for winning its fourth NJCAA Half-Marathon National Championship in six years and that we wish them all continued success; 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 Terrie Huntington.

There being no objection, the following remarks of Rep. Huntington are spread upon the journal:

Besides celebrating the 40th Anniversary, a field of 185 runners representing 27 teams began the rigorous trek through the parks and trails in Johnson County for the Half Marathon Championships in Shawnee. JCCC hosted and won the event, as they did in 2003, 2005, and 2006.

Two of the top six runners in the final standings included Sophomore Temer Yimer who placed third, followed by Francis Gipson.

I would like to introduce the team members: Francis Gipson, Temer Yimer, Heather Kochie, Emily Crews, Sarah Stark, Kayla Harris, Haley Snow, Roxanna Cabrera and Renae Dupree. Also, accompanying them today are Carl Heinrich, Director of Athletics; Mike Bloemker, coach of Cross Country/Track and Field; and Brian Batliner, assistant coach.

Please join me in recognizing the Women's Half Marathon team.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Yoder that the House nonconcur in Senate amendments to **S. Sub. for HB 2373** and that a conference committee be appointed, Rep. Auran offered a substitute motion to concur.

The substitute motion prevailed and the House concurred in Senate amendments to **S. Sub. for HB 2373**, An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, and June 30, 2014, 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. 2008 Supp. 12-5256, as amended by section 136 of 2009 Senate Substitute for House Bill No. 2354, 76-7,107, as amended by section 139 of 2009 Senate Substitute for House Bill No. 2354, 79-2978, as amended by section 88 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-2979, as amended by section 89 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-3425i, as amended by section 144 of 2009 Senate Substitute for House Bill No. 2354,

79-34,156, as amended by section 91 of 2009 House Substitute for Substitute for Senate Bill No. 23, and 79-4801, as amended by section 145 of 2009 Senate Substitute for House Bill No. 2354, and repealing the existing sections; also repealing section 102 of 2009 Senate Substitute for House Bill No. 2354, 79-2978, as amended by section 142 of 2009 Senate Substitute for House Bill No. 2354, and 79-2979, as amended by section 143 of 2009 Senate Substitute for House Bill No. 2354.

Call of the House was demanded.

On roll call, the vote was: Yeas 64; Nays 60; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, 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, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, 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, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Rardin.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **S. Sub. for HB 2373**. I have great concern when the House abdicates its responsibility to the Senate. Although I agree with some of the general area funding positions in areas such as education, social services, etc., the fact that I didn't have the chance to closely study the entire bill and determine points of agreement and disagreement with the bill is disquieting. Because of that fact, I feel it is inappropriate for me to support a bill which has the potential of negatively affecting many Kansans and most likely has mistakes which would have been corrected by the close scrutiny of a conference committee.—DEENA HORST

MR. SPEAKER: As an elected Representative, I am troubled that we would pass a bill without fully understanding the consequences. By not debating, or even reading the bill, we have passed something that contains many items that are damaging to the state in the long-term. By subverting the normal legislative process and forgoing any Representative involvement, we are failing our constituents. This was not the only way we could protect our schools and draft a responsible budget. For that reason, I vote "No" on **S. Sub. for HB 2373**.—WILLIE PRESCOTT, DAN KERSCHEN

MR. SPEAKER: I vote no on **S. Sub. for HB 2373**. The bill doesn't keep promises made to local governments. It doesn't balance the budget but leaves a bigger hole to fill with tax increases that will only burden thousands of Kansans who are struggling to make ends meet.

I take my job very seriously. Part of my responsibility is to make sure the voices of my constituents are heard on every issue that comes before us. That is done through careful study and debate. I vote no because this motion silences the House and my constituents.—SHARON SCHWARTZ

MR. SPEAKER: I vote no on **S. Sub. for HB 2373**. I am troubled that we would pass a bill without any debate and not fully understanding the consequences. There are many items that are damaging to the state and we have abdicated our duty to protect the long-term good of our schools and taxpayers by not drafting a responsible budget. In addition, I voted no because the omnibus budget bill:

- Eliminates critical legal and rehabilitation programs
- Assumes imaginary gaming revenue

- Denies cities and counties the tax slider revenue forcing local governments to raise taxes.
- Denied adequate funding for the physically and developmentally disabled and mental facilities.—MARVIN KLEEB

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2060**, 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.

THOMAS C. OWENS
DEREK SCHMIDT
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 2060** was adopted. Speaker O'Neal thereupon appointed Reps. Colloton, Patton and McCray-Miller as fourth conferees on the part of the House.

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 2267**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2267**, 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, by striking all in lines 35 through 41 and by inserting the following:

“(c) On July 1, 2009, the governor shall appoint the membership of the task force. Any person serving as a member of the task force on June 30, 2009, may be reappointed. The terms of members appointed or reappointed to the task force shall expire on July 1, 2011. Vacancies occurring before the expiration of a term shall be filled in the same manner as the original appointment.”;

On page 4, in line 14, by striking “information” and inserting “certification”;

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

PETE BRUNGARDT
ROGER P. REITZ
OLETHA FAUST-GOUDEAU
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 2267** 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, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Kuether, Landwehr, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Finney, Knox.

Present but not voting: None.

Absent or not voting: Lane, Rardin.

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.

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 2010**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Landwehr, the House concurred in Senate amendments to **HB 2010**, An act concerning state board of healing arts; relating to storage, maintenance and transfer of medical records and delegation of practice; creating medical records maintenance trust fund; amending K.S.A. 2008 Supp. 65-28,127 and 65-28,128 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 0; Present but not voting: 0; Absent or not voting: 21.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, Horst, Huntington, Johnson, Kiegerl, King, Kinzer, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Roth, Ruiz, Sawyer, Schwab, Schwartz, Seiwert, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Crum, DeGraaf, George, Hawk, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Knox, Mast, McCray-Miller, Neufeld, Peck, Rardin, Rhoades, Schroeder, Shultz, Siegfried.

REPORT ON ENGROSSED BILLS

S. Sub. for HB 2267 reported correctly engrossed May 7, 2009.

REPORT ON ENROLLED RESOLUTIONS

HR 6030 reported correctly enrolled and properly signed on May 7, 2009.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Friday, May 8, 2009.

Journal of the House

SIXTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, May 8, 2009, 10:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 121 members present.
Reps. Grange, Hawk, Rardin and Schwab were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Steve L. Vaughn, Senior Pastor, Fairlawn Nazarene Church, Topeka:

God of our Fathers, Shepherd of Thy people, Lord of free men's souls, bless our state with a valiant, Godly spirit, with a vision to see, with the courage to try, with the power to achieve.

United people, grant guidance to our leaders, protection to our children, and teach each of us Thy way of life in good will and peace.

You are the rock on which this nation was founded. You alone are the true source of our cherished rights to life, liberty and the pursuit of happiness.

Reclaim this country for your glory and dwell among your people. Send Your Spirit to touch the hearts of our state's leaders. Open their minds to the great worth of human life and the responsibilities that accompany human freedom. Remind your people that true happiness is rooted in seeking and doing Your Holy Will.

Grant a special prayer to this House of Representatives as they deal with the problems of today and tomorrow. Bless their districts and the people they represent. Guide our speaker as he leads this day of business and may your presence engulf this place with blessing and honor.

Please be with Rep. Grange and the people of his district as they recover from the wind damage in their area.

In Christ's name I ask. Amen.

The Pledge of Allegiance was led by Rep. Crow.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2366**.

Announcing passage of **HB 2283**, as amended; **HB 2365**, as amended by **S. Sub. for Sub. HB 2365**; **HB 2369**, as amended by **S. Sub. for HB 2369**; **HB 2374**, as amended.

The Senate adopts conference committee report on **SB 171**.

The Senate adopts conference committee report on **HB 2060**.

The Senate adopts conference committee report on **HB 2158**.

The Senate adopts conference committee report on **HB 2162**.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2072** and has appointed Senators Vratil, McGinn and Kelly as second conferees on the part of the Senate.

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on **H Substitute for SB 218**, An act concerning abortion; regarding restrictions on late term and partial birth abortion; amending K.S.A. 65-445, 65-6701, 65-6703, 65-6709, as amended by section 1 of 2009 HOUSE Substitute for Senate Bill No. 238 and 65-6721 and K.S.A. 2008 Supp. 65-2836 and repealing the existing sections; also repealing K.S.A. 65-6713, which was received on April 23, 2009, and was read before the Senate on April 29, 2009.

Message from the Governor

For more than a decade, Kansas laws have banned partial birth abortions and post-viability abortions except in those very limited cases where it is necessary to preserve the life or health of a pregnant woman. The United States Supreme Court has consistently held that while states can limit the availability of post-viability abortions, they must allow them where necessary to protect the health or life of the woman.

As Governor of Kansas, I have worked hard to reduce abortions by supporting a range of initiatives including adoption incentives, encouraging parental involvement and individual responsibility for young men and women, expanding health services for Kansas children, promoting access to affordable contraceptives, expanded maternal and infant health services and promotional efforts, providing funds for proven successful pregnancy maintenance programs and encouraging age-appropriate sex education.

These efforts have resulted in reducing the number of abortions by more than 10% in the last six years in Kansas. I am confident that with a more united effort to reduce the number of unplanned pregnancies, combined with creating conditions that provide support and assistance for mothers and their babies, we will have even greater success reducing abortions in our state.

Unfortunately, House Sub for SB 218 will not help to reduce the number of abortions in Kansas, and would likely be declared unconstitutional. Under the bill, a physician intending to comply with the law could later be criminally prosecuted. A physician acting in good faith to save a pregnant woman's life, and using his or her best medical judgment, should not be subject to later criminal prosecution. Similar language was declared unconstitutional by the United States Court of Appeals for the Sixth Circuit in *Womens Medical Professional Corp. v. Voinovich*, 130 F.3d 187 (6th Cir. 1997).

The provisions in this bill that would allow for the criminal prosecution of a physician intending to comply with the law will lead to the intimidation of health care providers and reduce access to comprehensive health care for women, even when it is necessary to preserve their lives and health. While I agree that we should try to reduce the number of abortions, it cannot be at the increased risk to the life or health of women. Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **H. Sub. for SB 218**.

KATHLEEN SEBELIUS
Governor

Dated: April 23, 2009

A motion was made that **H. Sub. for SB 218** be passed notwithstanding the Governor's veto. By a vote of 25 Yeas and 13 Nays, the motion did not receive the required two-thirds majority of the elected members of the Senate, voting in the affirmative, the motion failed and the veto was sustained.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6033—

By Representatives Huntington, T. Brown, Horst, Mah, McLeland, Moxley, Palmer, Prescott, Rhoades and Winn

A RESOLUTION honoring University of Kansas Chancellor Robert E. Hemenway.

WHEREAS, Chancellor Robert E. Hemenway, who since 1995 has led the University of Kansas through an unprecedented period of progress and expansion, will step down as Chancellor on June 30, 2009; and

WHEREAS, Under Chancellor Hemenway's leadership, KU has experienced record enrollment; the transition of KU Hospital to a top performing academic hospital after Hemenway's proposal in 1998 to move the hospital from state status to a public authority; an increase in its research activity to almost \$300 million annually and undergone an unprecedented expansion and remodeling of its campus facilities; and

WHEREAS, Chancellor Hemenway has also initiated a "wounded warrior" education partnership with the U.S. Army in Fort Leavenworth, building on a faculty-student exchange he created with the fort; and

WHEREAS, In 2007, Chancellor Hemenway was elected to the 11-member executive committee for the Association of American Universities, an organization representing the nation's most prestigious research universities, and in 2008, he was elected its vice-chair; and

WHEREAS, As the No. 1 Jayhawk fan, Chancellor Hemenway was especially pleased to see the University of Kansas Jayhawks win the NCAA men's basketball championship and a BCS Bowl game, the Orange Bowl, in 2008, joining the University of Florida as the only schools to have achieved that feat; and

WHEREAS, As a scholar of American literature, Chancellor Hemenway has taught an undergraduate class every year, recently alternating between American literature and honors seminars on global poverty and development issues, topics reflective of Hemenway's wide-ranging intellectual interests; and

WHEREAS, The innumerable and invaluable contributions made by Dr. Hemenway have not only guided the University of Kansas through an extremely successful period in its history, but have left the future of the university in wonderful condition to continue the tradition of success: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor and thank Dr. Robert Hemenway for his contributions to the University of Kansas and its students, faculty, administration, alumni, parents, supporters and to the entire state of Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide two enrolled copies of this resolution to the Chair of the House Education Committee, Representative Terrie Huntington.

HOUSE RESOLUTION No. 6034—

By Representatives Carlin and Hawk

A RESOLUTION congratulating and commending President Wefald on his tremendous accomplishments as President of Kansas State University.

WHEREAS, Jon Wefald came to Kansas State University in 1986 after serving as chancellor of the Minnesota State University System for four years and president of Southwest State in Marshall, Minn., from 1977-82; and

WHEREAS, Jon Wefald has served admirably as the 12th president of K-State, leading the University through a time of unprecedented progress and success; and

WHEREAS, President Wefald is credited with transforming an institution with declining enrollments, low faculty morale, limited research and graduate programs, and a losing football program into a nationally ranked top 10 land grant university. Because of his leadership, K-State leads among peer institutions with significant research and graduate programs and a highly competitive athletic program in the prestigious Big 12 Conference; and

WHEREAS, under Wefald's leadership, K-State has, among many other accomplishments, achieved the following since 1986: Increased enrollments from 16,000 in 1986 to more than 23,000 students in 2008, increased private giving from about \$6 million in 1986 to close to \$100 million in 2008, increased competitive research from about \$15 million in 1986 to more than \$110 million in 2008 and overall research funding to more than \$220 million in 2008; and

WHEREAS, Under President Wefald's leadership K-State has constructed more than 2.2 million square feet of new buildings from 1986 to 2008, including a beautiful new library, art museum and alumni building; a remarkable feat in an era of dramatically declining state and federal funding; and

WHEREAS, President Wefald has played an important role in the creation of one of the most beautiful and clean college campuses anywhere in America; and

WHEREAS, K-State ranks first among all 500 public universities from 1986 to 2009 with 125 Rhodes, Marshall, Truman, Goldwater and Udall Scholarships; and

WHEREAS, K-State ranks second among all of the nation's land-grant universities between 1986 and 2009 with K-State professors winning three Carnegie/CASE U.S. Professor of the Year Awards, seven Kansas Professor of the Year Awards and two national silver medalists; and

WHEREAS, President Wefald played an important role in helping K-State develop one of the best leadership academic programs in America—with about 1,300 students minoring in leadership studies; and

WHEREAS, During President Wefald's tenure K-State has developed a number of nationally-ranked athletic teams in the Big Eight and Big 12; and

WHEREAS President Wefald played a key role in the organization of the new Big 12 Conference in 1995-1996 and in K-State becoming a member of the Big 12; and

WHEREAS, President Wefald plans to retire this summer after the 2009 academic year to become a part-time professor of leadership studies and history. He will be succeeded by future President Kirk H. Schulz. Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we do hereby commend and congratulate President Wefald for his highly distinguished career as President of K-State University, and thank him for the tremendous progress he has brought to Kansas State University and the state of Kansas overall. We wish him the best in all his future pursuits.

Be it further resolved: That five copies of this resolution be provided to Representative Sydney Carlin.

HOUSE RESOLUTION No. 6035—

By Representatives Huntington, T. Brown, Horst, Mah, McLeland, Moxley, Palmer, Prescott, Rhoades and Winn

A RESOLUTION honoring Pittsburg State University President Tom Bryant.

WHEREAS, Tom Bryant joined Pittsburg State University in 1970 as an Associate Professor of Health, Physical Education and Recreation (HPER) before being named Chairman of the Department in 1985. In 1992, Dr. Bryant was named Acting Dean of the School of Education while continuing to serve as chairman of HPER before being appointed Dean of the School of Education in 1993; and

WHEREAS, He served as interim executive director of the Kansas Board of Regents, where he was involved in the state legislature's efforts to reorganize the state's higher education governance structure in addition to being involved in promoting an initiative to enhance faculty salaries; and

WHEREAS, In 1995, Dr. Bryant assumed the interim Presidency of Pittsburg State at a crossroads in the institution's history and during which time, he secured the funding necessary to complete the Kansas Technology Center; and

WHEREAS, After serving the university and the state in these two separate but demanding interim roles, Dr. Tom Bryant was selected by the Kansas Board of Regents as the eighth president of Pittsburg State University, assuming office on July 1, 1999; and

WHEREAS, Dr. Bryant presided over record-setting enrollment growth with particular emphasis towards on-campus, full-time students; and

WHEREAS, He led the university in providing better access to educational opportunity by doubling scholarships for students and to academic excellence as demonstrated by national and international accreditations for programs in each of the university's colleges; and

WHEREAS, Dr. Bryant directed a campus wide effort at internationalization that was recognized in 2008 with the Senator Paul Simon Award for campus internationalization; and

WHEREAS, He guided the university through a robust strategic planning process that led to an unprecedented time of campus growth and expansion marked by the construction of many new buildings, the modernization of existing and historic buildings and creative

partnerships between the university and other enterprises to build and maximize the use of other facilities; and

WHEREAS, Dr. Bryant directed a significant enhancement of the physical campus environment through the installation of multiple outdoor sculptures and art work and the creation of outdoor gathering places; and

WHEREAS, He initiated a robust campus wide effort to assess and improve safety that includes improved lighting, multiple emergency communication structures, planning and training; and

WHEREAS, Dr. Bryant led an effort at community and alumni engagement that inspired the National Collegiate Athletic Association to profile Pittsburg State University as an example for other Division II universities to emulate; and

WHEREAS, Dr. Bryant would always work with anyone and any group that wanted to strengthen Pittsburg State University; and

WHEREAS, Dr. Bryant's retirement comes after 39 years of devoted service to the Pittsburg State University family, a contribution that has been invaluable to its success: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor and thank Dr. Tom Bryant for his contributions to Pittsburg State University and its students, faculty, administration, alumni, parents, supporters and to the entire state of Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide two enrolled copies of this resolution to the Chair of the House Education Committee, Representative Terrie Huntington.

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 2369**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. C. Holmes, the House concurred in Senate amendments to **S. Sub. for HB 2369**, An act concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 19-101a, 55-1,117, 65-3012 and 66-104d and K.S.A. 2008 Supp. 65-3005, 65-3008a, 66-1,184, 74-99d07 and 74-99d14 and repealing the existing sections; also repealing K.S.A. 19-101a, as amended by section 7 of 2009 Senate Bill No. 336, and 19-101m.

Call of the House was demanded.

On roll call, the vote was: Yeas 103; Nays 18; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crow, Crum, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Frownfelter, Fund, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, KleeB, Knox, Landwehr, Lane, Light, Lukert, Mah, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Sawyer, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Carlin, Davis, Finney, Flaharty, Furtado, Henderson, Kuether, Loganbill, Long, McCray-Miller, Menghini, Pottorff, Ruiz, Slattery, Svaty, Tietze, Wimm.

Present but not voting: None.

Absent or not voting: Grange, Hawk, Rardin, Schwab.

EXPLANATION OF VOTE

MR. SPEAKER: While I can support the politics of this decision, I cannot support some of the policies within this legislation.

1. Altering the authority of the Secretary of KDHE (Kansas Health and Environment).
2. Allowing the deregulation of large cooperatives.

I truly believe that these two policy issues take us down a very wrong path, and are wrong for the people of Kansas. I vote no on **S. Sub. for HB 2369**.—ANNIE KUETHER, JUDITH LOGANBILL, DOLORES FURTADO, MELODY MCCRAY-MILLER, BRODERICK HENDERSON, GAIL FINNEY, MARGARET LONG, VALDENIA WINN, JULIE MENGHINI

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 Sub. HB 2365**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. King to concur in Senate amendments to **S. Sub. for Sub. HB 2365**, Rep. Carlson offered a substitute motion that the House nonconcur and that a conference committee be appointed. The substitute motion prevailed.

Speaker O'Neal thereupon appointed Reps. Carlson, King and Menghini as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Henry, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, to suspend the rules for the purpose of considering **HB 2130**, roll call was demanded.

On roll call, the vote was: Yeas 63; Nays 58; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Benlon, Bethell, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Flaharty, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henry, Hill, Hineman, M. Holmes, Huntington, Johnson, King, Kleeb, Kuether, Loganbill, Long, Lukert, Mah, Maloney, Menghini, Navinsky, Neighbor, O'Neal, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Quigley, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, K. Wolf, Worley.

Nays: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Finney, Frownfelter, Fund, George, Goico, Gordon, Hayzlett, Henderson, Hermanson, C. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Lane, Light, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, Olson, Otto, Patton, Peck, Powell, Proehl, Rhoades, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Winn, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Grange, Hawk, Rardin, Schwab.

The motion to suspend the rules prevailed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Henry to concur in Senate amendments to **HB 2130**, Rep. Kinzer rose on a point of order requesting a ruling on whether this motion can be made more than once on the same bill (see HJ, p. 638). The Rules Chair ruled the motion in order. Rep. Kinzer challenged the ruling, the question being "Shall the Rules Chair be sustained?"

The Rules Chair was sustained.

The question reverted back to the motion of Rep. Henry to concur in Senate amendments to **HB 2130**, An Act relating to motor vehicles; concerning the use of safety belts; amending K.S.A. 2008 Supp. 8-2503 and 8-2504 and repealing the existing sections.

On roll call, the vote was: Yeas 58; Nays 63; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Benlon, Bethell, T. Brown, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Flaharty, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henry, Hill, Hineman, Huntington, Johnson, Kerschen, Kleeb, Kuether, Loganbill, Long, Lukert, Maloney, Menghini, Navinsky, Neighbor, O'Neal, Palmer, Pauls, Peterson, Phelps, Pottorff,

Prescott, Quigley, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Swanson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, K. Wolf, Worley, Yoder.

Nays: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Crum, DeGraaf, Donohoe, Faber, Finney, Frownfelter, Fund, George, Goico, Gordon, Hayzlett, Henderson, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Mah, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, Olson, Otto, Patton, Peck, Powell, Proehl, Rhoades, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Swenson, Tafanelli, Vickrey, Watkins, Whitham, Winn, B. Wolf.

Present but not voting: None.

Absent or not voting: Grange, Hawk, Rardin, Schwab.

The motion did not prevail, and **HB 2130** remains in conference.

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 adoption of **SCR 1616**.

The Senate adopts conference committee report on **S. Sub. for HB 2072**.

The Senate adopts conference committee report on **HB 2214**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate concurrent resolution was thereupon introduced and read by title:
SCR 1616.

MOTIONS AND RESOLUTIONS OFFERED PREVIOUSLY

On motion of Rep. Huntington, **HR 6033**, A resolution honoring University of Kansas Chancellor Robert E. Hemenway, was adopted.

Reps. Ballard and Davis addressed a few remarks to the members of the House and welcomed Chancellor Hemenway to the House.

MOTIONS AND RESOLUTIONS OFFERED PREVIOUSLY

On motion of Rep. Carlin, **HR 6034**, A resolution congratulating and commending President Wefald on his tremendous accomplishments as President of Kansas State University, was adopted.

There being no objection, the following remarks of Rep. Carlin are spread upon the journal:

I have worked with President Wefald for a long time on City, Community and University issues.

Such as Martin Luther King Week Celebrations—since 1993—as we walked across the campus on a cold January night;

As he supported the Mayor's Hunger Banquet for the Flinthills Breadbasket, when I was the Mayor of Manhattan, with a reception in his home for our guest speaker;

As a City Commissioner he worked with all of us to support the annexation of Kansas State University into the City of Manhattan which gave us an opportunity to bring in a new source of revenue to the city and we established a city-county fund for improvements to the city and the university with those revenues.

As a student at K State I found him very supportive of the work of the students.

President Wefald is a team player—he has always worked with all the teams: Athletics—We all know what he did for football at KSU, and Men's and Women's Basketball.

He built a new stadium for the Baseball team.

He supported our efforts to create the KSU Rowing Team as an NCAA Sport at K State.

These things are among the ways he worked to make K State a World Class University.

He took on Academics and Research, Athletics and Aesthetics . . . and The Arts—as with the new Beach Museum of Art which Mrs. Wefald personally shepherded into existence—Dance program with the Winter and Spring Dance—and with the Music and Theatre department—and the K State Band.

As a member of the Leadership Advancement Council I have witnessed his leadership in developing this new major at Kansas State.

But he is undoubtedly proudest of the accomplishment of the 125 Rhodes, Truman, Udall and Goldwater scholarships that have been awarded to K State students during his tenure.

Please join me in congratulating President Jon Wefald on a successful 23 years as KSU President and wish him well in his future endeavors.

MOTIONS AND RESOLUTIONS OFFERED PREVIOUSLY

On motion of Rep. Menghini, **HR 6035**, A resolution honoring Pittsburg State University President Tom Bryant, 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 **SB 33**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 33**, 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, preceding line 17, by inserting the following:

“New Section 1. As used in the statewide electronic logging system for sale of methamphetamine precursor act, unless the context otherwise requires:

(a) “Board” means the state board of pharmacy.

(b) “Methamphetamine precursor” means any compound, mixture or preparation containing pseudoephedrine, ephedrine or phenylpropanolamine, or any of their salts or optical isomers, or salts of optical isomers, but does not include products that have been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts for precursors, and does not include animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

(c) “Pharmacy” means premises, laboratory, area or other place, including in-state and out-of-state facilities that are required to be registered under K.S.A. 65-1643 or 65-1657, and amendments thereto: (1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; or (2) which has displayed upon it or within it the words “pharmacist,” “pharmaceutical chemist,” “pharmacy,” “apothecary,” “drugstore,” “druggist,” “drugs,” “drug sundries” or any of these words or combinations of these words or words of similar import either in English or any sign containing any of these words; or (3) where the characteristic symbols of pharmacy or the characteristic prescription sign “Rx” may be exhibited.

New Sec. 2. (a) The board shall establish and maintain a program for a statewide electronic logging system for sale of methamphetamine precursors.

(b) Each pharmacy shall maintain an electronic methamphetamine precursor recording log documenting the sale of methamphetamine precursors. The board shall promulgate rules and regulations specifying a standardized format for the log and the information that each pharmacy shall submit to the board, which shall include, but not be limited to:

(1) The name and address of the person purchasing, receiving or otherwise acquiring the methamphetamine precursor;

(2) the name of the product and quantity purchased;

(3) the date and time of the purchase; and

(4) the name, or initials, of the licensed pharmacist, registered pharmacy technician or pharmacy intern or clerk supervised by a licensed pharmacist who sold the product.

(c) Notwithstanding the requirements of this section, each pharmacy shall maintain the purchaser's signature in accordance with subsection (k) of K.S.A. 65-1643, and amendments thereto.

(d) Each pharmacy that is capable shall submit the information from the log in real time in accordance with transmission methods specified in rules and regulations promulgated by the board.

(e) The board may grant a waiver exempting a pharmacy from compliance with the requirements of this section upon showing of good cause by the pharmacy that it is otherwise unable to submit log information by electronic means for various reasons, including, but not limited to, mechanical or electronic failure or financial, technological or any other undue burden on the pharmacy, established by rules and regulations. Such waiver may permit the pharmacy to submit log information by paper form or other means, provided that all information required by rules and regulations is submitted in this alternative format.

(f) No pharmacy or pharmacy employee shall be liable to any person in a civil action for damages or other relief arising from a sale of a methamphetamine precursor that occurs at another pharmacy.

(g) The requirements of this section shall not apply where there is a lawful prescription present for the methamphetamine precursor sold.

New Sec. 3. (a) The cost of establishing and maintaining the statewide electronic logging system shall be borne by the state, other non-state units of government, private entities, or others. Pharmacies shall not be required to bear the costs associated with establishing and maintaining the electronic logging system, through any additional charges, whether statewide, regional, county-wide or otherwise as provided in this section.

(b) In the event that funding for a statewide program is not available, the board may implement the program on a non-statewide basis, whether such program is funded regionally or county-wide or otherwise. The board shall, by rules and regulations, prescribe that such regional or non-statewide program comply with requirements applicable to a statewide program, including that such non-state governmental units or regional programs may not utilize different vendors. Any requirements of this act shall only be applicable to pharmacies within such units of government or regions, if a regional program is established, and all other pharmacies in the state shall be exempt from requirements for the electronic logging system required pursuant to this act.

(c) If the state, other non-state units of government, private entities or others are unable to bear the costs of establishing and maintaining the electronic logging system, pharmacies within the state, or in the case of regional or other non-statewide programs, pharmacies within those program areas shall be relieved of any obligation to comply with the statewide electronic logging system program pursuant to this act. Such pharmacies shall still be subject to the requirements of maintaining a log as provided in subsection (k) of K.S.A. 65-1643, and amendments thereto.

(d) The board shall not impose any additional charges for the establishment or maintenance of the program for the recording of methamphetamine precursors on a pharmacy. The board shall not charge any fees for the transmission of data to the program database or for the receipt of information from the database.

(e) The state board of pharmacy may receive and expend, or supervise the expenditure of, any donation, gift, grant or bequest made to the board for furthering any phase of the statewide electronic logging system program.

New Sec. 4. (a) Methamphetamine precursor recording log information submitted to the board shall be confidential and not a public record and not subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto, except as provided in subsections (c) and (d).

(b) The board shall maintain procedures to ensure that the privacy and confidentiality of information collected, recorded, transmitted and maintained is not disclosed to persons except as provided in subsections (c) and (d).

(c) The board shall be authorized to provide data in the log to the following persons:

(1) Any person authorized to prescribe or dispense products containing pseudoephedrine, ephedrine or phenylpropanolamine, for the purpose of complying with the provisions of this act; and

(2) local, state and federal law enforcement or prosecutorial officials.

(d) The board may provide data to public or private entities for statistical, research or educational purposes after removing information that could be used to identify individual patients or persons who received methamphetamine precursors from pharmacies.

New Sec. 5. (a) The board is hereby authorized to contract with another agency of this state or with a private vendor, as necessary, to ensure the effective implementation and operation of the methamphetamine precursor recording log. The state agency or private vendor selected shall have the technological capability to receive electronic log data from pharmacies submitted pursuant to section 2, and amendments thereto, and to send real time notification to law enforcement officials. Regardless of the entity selected to manage the program, pharmacies are not required to use any one particular vendor's product to comply with the requirements under section 2, and amendments thereto. Any electronic system implemented by the state shall be capable of bridging with existing and future operational systems used by pharmacies at no cost to such pharmacies. Any contractor shall be bound to comply with the provisions regarding confidentiality of log information in this section, and amendments thereto, and shall be subject to the penalties specified in section 7, and amendments thereto, for unlawful acts.

(b) All information collected for the program database and any records maintained by the board, or by any entity contracting with the board, submitted to, maintained or stored as a part of the database, shall be retained for five years. Such information and records shall then be destroyed unless a law enforcement entity has submitted a written request to the board for retention of specific information or records in accordance with procedures adopted by the board.

(c) The board shall develop and implement a program to educate pharmacies and pharmacy employees about the program for the recording of methamphetamine precursors.

(d) The board shall review the effectiveness of the program for the recording of methamphetamine precursors and submit an annual report to the senate standing committee on public health and welfare and the house standing committee on health and human services.

New Sec. 6. The board shall adopt, within six months after the effective date of this act, such rules and regulations the board deems necessary to carry out the provisions of this act.

New Sec. 7. (a) A pharmacy that knowingly fails to submit methamphetamine precursor recording log information to the board as required by this act or knowingly submits incorrect log information shall be guilty of a severity level 10, nonperson felony.

(b) A person authorized to have log information pursuant to this act who knowingly discloses such information in violation of this act shall be guilty of a severity level 10, nonperson felony.

(c) A person authorized to have log information pursuant to this act who knowingly uses such information in a manner or for a propose in violation of this act shall be guilty of a severity level 10, nonperson felony.

New Sec. 8. Sections 1 through 8, and amendments thereto, shall be known and may be cited as the statewide electronic logging system for sale of methamphetamine precursor act.

Sec. 9. K.S.A. 2008 Supp. 65-1643 is hereby amended to read as follows: 65-1643. It shall be unlawful:

(a) For any person to operate, maintain, open or establish any pharmacy within this state without first having obtained a registration from the board. Each application for registration of a pharmacy shall indicate the person or persons desiring the registration, including the pharmacist in charge, as well as the location, including the street name and number, and such other information as may be required by the board to establish the identity and exact location of the pharmacy. The issuance of a registration for any pharmacy shall also have the effect of permitting such pharmacy to operate as a retail dealer without requiring such pharmacy to obtain a retail dealer's permit. On evidence satisfactory to the board: (1) That the pharmacy for which the registration is sought will be conducted in full compliance with the law and the rules and regulations of the board; (2) that the location and appointments of the pharmacy are such that it can be operated and maintained without endangering the

public health or safety; (3) that the pharmacy will be under the supervision of a pharmacist, a registration shall be issued to such persons as the board shall deem qualified to conduct such a pharmacy.

(b) For any person to manufacture within this state any drugs except under the personal and immediate supervision of a pharmacist or such other person or persons as may be approved by the board after an investigation and a determination by the board that such person or persons is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety; and no person shall manufacture any such drugs without first obtaining a registration so to do from the board. Such registration shall be subject to such rules and regulations with respect to requirements, sanitation and equipment, as the board may from time to time adopt for the protection of public health and safety.

(c) For any person to distribute at wholesale any drugs without first obtaining a registration so to do from the board.

(d) For any person to sell or offer for sale at public auction or private sale in a place where public auctions are conducted, any drugs without first having obtained a registration from the board so to do, and it shall be necessary to obtain the permission of the board in every instance where any of the products covered by this section are to be sold or offered for sale.

(e) For any person to in any manner distribute or dispense samples of any drugs without first having obtained a permit from the board so to do, and it shall be necessary to obtain permission from the board in every instance where the samples are to be distributed or dispensed. Nothing in this subsection shall be held to regulate or in any manner interfere with the furnishing of samples of drugs to duly licensed practitioners, to mid-level practitioners, to pharmacists or to medical care facilities.

(f) Except as otherwise provided in this subsection (f), for any person operating a store or place of business to sell, offer for sale or distribute any drugs to the public without first having obtained a registration or permit from the board authorizing such person so to do. No retail dealer who sells 12 or fewer different nonprescription drug products shall be required to obtain a retail dealer's permit under the pharmacy act of the state of Kansas or to pay a retail dealer new permit or permit renewal fee under such act. It shall be lawful for a retail dealer who is the holder of a valid retail dealer's permit issued by the board or for a retail dealer who sells 12 or fewer different nonprescription drug products to sell and distribute nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug product intended for human use by hypodermic injection; but such a retail dealer shall not be authorized to display any of the words listed in subsection (a) (dd) of K.S.A. 65-1626 and amendments thereto, for the designation of a pharmacy or drugstore.

(g) For any person to sell any drugs manufactured and sold only in the state of Kansas, unless the label and directions on such drugs shall first have been approved by the board.

(h) For any person to operate an institutional drug room without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1637a and amendments thereto and any rules and regulations adopted pursuant thereto.

(i) For any person to be a pharmacy student without first obtaining a registration to do so from the board, in accordance with rules and regulations adopted by the board, and paying a pharmacy student registration fee of \$25 to the board.

(j) For any person to operate a veterinary medical teaching hospital pharmacy without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1662 and amendments thereto and any rules and regulations adopted pursuant thereto.

(k) For any person to sell or distribute in a pharmacy a controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto, unless:

(1) (A) Such controlled substance is sold or distributed by a licensed pharmacist, a registered pharmacy technician or a pharmacy intern or clerk supervised by a licensed pharmacist;

(B) any person purchasing, receiving or otherwise acquiring any such controlled substance produces a photo identification showing the date of birth of the person and signs a log and enters in the log, or allows the seller to enter in the log, such person's address and the date and time of sale *or allows the seller to enter such information into an electronic logging system pursuant to section 2*. The log or database required by the board shall be available for inspection during regular business hours to the board of pharmacy and any law enforcement officer;

(C) the seller determines that the name entered in the log corresponds to the name provided on such identification and that the date and time entered are correct; and

(D) the seller enters in the log the name of the controlled substance and the quantity sold; or

(2) there is a lawful prescription.

(l) For any pharmacy to allow customers to have direct access to any controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto. Such controlled substance shall be placed behind the counter or stored in a locked cabinet that is located in an area of the pharmacy to which customers do not have direct access.

(m) A seller who in good faith releases information in a log pursuant to subsection (k) to any law enforcement officer is immune from civil liability for such release unless the release constitutes gross negligence or intentional, wanton or willful misconduct.

(n) *For any person to sell or lease or offer for sale or lease durable medical equipment without first obtaining a registration from the board, in accordance with rules and regulations adopted by the board, except that this subsection shall not apply to:*

(1) *Sales not made in the regular course of the person's business; or*

(2) *sales by charitable organizations exempt from federal income taxation pursuant to the internal revenue code of 1986, as amended.*

New Sec. 10. (a) As part of an original application for or reinstatement of any license, registration, permit or certificate or in connection with any investigation of any holder of a license, registration, permit or certificate, the state board of pharmacy may require a person to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or other jurisdiction. The state board of pharmacy is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The state board of pharmacy may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license, registration, permit or certificate.

(b) Local and state law enforcement officers and agencies shall assist the state board of pharmacy in taking and processing of fingerprints of applicants for and holders of any license, registration, permit or certificate and shall release all records of adult convictions and non-convictions and adult convictions or adjudications of another state or country to the state board of pharmacy.

(c) The state board of pharmacy may fix and collect a fee as may be required by the board in an amount equal to the cost of fingerprinting and the criminal history record check. Any moneys collected under this subsection shall be deposited in the state treasury and credited to the pharmacy fee fund. The board of pharmacy 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 to the credit of the pharmacy fee fund.

(d) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.”;

And by renumbering the remaining sections accordingly;

On page 5, in line 28, following “Supp.” by inserting “65-1643, 65-1643b and”;

In the title, in line 21, preceding “amending” by inserting “fingerprinting and criminal history record checks; creating a statewide electronic logging system for the sale of methamphetamine precursors;”; in line 22, preceding “65-1663” by inserting “65-1643 and”; in line 23, preceding the period by inserting “; also repealing K.S.A. 2008 Supp. 65-1643b”;

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

PAT COLLOTON
JOE PATTON
MELODY McCRAY-MILLER
Conferees on part of House

JIM BARNETT
VICKI SCHMIDT
DAVID HALEY
Conferees on part of Senate

On motion of Rep. Patton to adopt the conference committee report on **SB 33**, Rep. Shultz 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. Patton and the conference committee report was adopted.

On roll call, the vote was: Yeas 98; Nays 21; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Morrison, Moxley, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Roth, Ruiz, Seiwert, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Bowers, A. Brown, Carlson, Faber, Fund, Gordon, M. Holmes, Huebert, Kelley, Knox, McLeland, Merrick, Neufeld, Peck, Powell, Rhoades, Sawyer, Schroeder, Schwartz, Shultz.

Present but not voting: None.

Absent or not voting: Grange, Hawk, Landwehr, Myers, Rardin, Schwab.

CHANGE OF CONFEREES

Speaker pro tem Siegfried announced the appointment of Reps. Neufeld, Kiegerl and Loganbill as members of the conference committee on **HB 2115** to replace Reps. C. Holmes, Knox and Kuether.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Menghini, the House concurred in Senate amendments to **S. Sub. for Sub. HB 2365**. An act concerning taxation; relating to settlement authority of secretary of revenue, certain assessments; income tax credits, limitations; valuation of land devoted to agricultural use for estate tax purposes; periods of limitation for certain refunds and credits; sales tax exemptions; homestead property tax refunds; amending K.S.A. 2008 Supp. 79-15,253, 79-3230, 79-32,211, 79-32,258, 79-3606, 79-3609 and 79-4502 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 65; Nays 56; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Benlon, Bethell, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, Horst, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini,

Moxley, Navinsky, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Colloton, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Huntington, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Grange, Hawk, Rardin, Schwab.

EXPLANATIONS OF VOTE

MR. SPEAKER: Yesterday, we became a unicameral legislature by passing a budget bill that was not debated in the House. We later found out that the bill has done an injustice to our judicial system, the disabled, the mentally ill and many others.

Now we are passing a bill that gets us to basically a zero balance with smoke and mirrors. Mr. Speaker, I vote "no" on **S. Sub. for Sub. HB 2365**. In all my years in the legislature, this is probably the most irresponsible action I have ever seen.—PEGGY MAST

MR. SPEAKER: I vote "No" on the motion to concur with the Senate amendments to **S. Sub. for HB 2365**. Passage of the Senate Substitute means increases in the amount of taxes families who have children in day cares, families who adopt children, National Guard members, agriculture producers, businesses trying to recover from national disasters and many more will pay. Not only are many provisions of **S. Sub. for HB 2365** a tax increase but, it does little to fill the hole created by the irresponsible spending bill the Legislature passed yesterday. It is ridiculous for members of this body to think that a \$17,000 ending balance is acceptable.—BRENDA K. LANDWEHR, VIRGIL PECK, JR., ANTHONY R. BROWN, KASHA KELLEY, STEVEN R. BRUNK, WILLIE PRESCOTT, PETE DEGRAAF, FORREST KNOX, PHIL HERMANSON

MR. SPEAKER: It's troubling we would pass such an important bill without any input from this chamber. By not working towards a compromise the Legislature has taken a temporary approach to a long-term problem. The supporters have passed a bill that damages the state. This bill will leave a 17,000 dollar ending balance and the Legislature will be forced to deal with substantial debt again next session. Relying on one-time money is irresponsible and does nothing to fix the structural imbalance in the budget. For these reasons, I vote "No" on **S. Sub. for HB 2365**.—JOE SEIWERT, CONNIE O'BRIEN, MARVIN KLEEB, RICHARD CARLSON, KEVIN YODER, DAN KERSCHEN, ROCKY FUND, AARON JACK, MARC RHOADES, DAVID CRUM, DON MYERS

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2060**, 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, following line 19, by inserting the following:

"New Section I. (a) There is hereby created the joint committee on parole board oversight within the legislative branch of state government.

(b) The joint committee shall be composed of six members as follows: the chairperson and the ranking minority member of the standing senate committee on judiciary; the chairperson and the ranking minority member of the standing house committee on corrections and juvenile justice; one member appointed by the chairperson of the standing senate committee on judiciary; and one member appointed by the chairperson of the standing house committee on corrections and juvenile justice. The chairperson of the standing house committee on corrections and juvenile justice shall be the chairperson of the joint committee.

(c) Documents, records and reports from the parole board concerning factors and rationale used to determine the granting or denial of parole, as specified in subsection (d), shall be available to members of the joint committee, when carrying out such committee's official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Documents, records and reports received by the joint committee are confidential and shall not be further disclosed. Such documents, records and reports received shall have information redacted which identifies any person or location, including, but not limited to, a city or county, except this provision shall not apply to the name of the inmate whose records are being reviewed. Such documents, records and reports received shall not be subject to K.S.A. 45-221, and amendments thereto. All copies of such documents, records and reports shall be returned to the parole board prior to the open meeting resuming. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate.

(d) (1) The parole board shall provide documents, records and reports to the joint committee related to the following:

(A) 15 parole board cases, selected by the secretary of corrections, involving inmates with sentencing dates prior to July 1, 1993, where the person was sentenced to prison for a crime committed prior to July 1, 1993, the person was not eligible for retroactive application of the sentencing guidelines pursuant to K.S.A. 21-4724, and amendments thereto, and the person is still incarcerated; and

(B) 15 parole board cases, selected by the secretary of corrections, involving inmates with sentencing dates prior to July 1, 1993, where the person was 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, the person was not eligible for retroactive application of the sentencing guidelines pursuant to K.S.A. 21-4724, and amendments thereto, and the person is still incarcerated.

(2) The parole board shall also provide to the joint committee a summary statement of the factors and rationale used to determine the granting or denial of parole in each such case and any correspondence received by the parole board relating to such grant or denial.

(3) The secretary of corrections shall select parole board cases representative of a variety of circumstances including, but not limited to: Inmates with different custody levels at the time of such inmates' parole hearings; inmates with different types of offenses or conduct that resulted in such inmates' incarceration; and inmates incarcerated in different state correctional facilities.

(e) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee to the extent that the same do not conflict with the specific provisions of this section applicable to the joint committee.

(f) Members of the joint committee shall receive compensation, travel expenses and subsistence expenses as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of the joint committee.

(g) The staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the joint committee and to the extent authorized by the legislative coordinating council.

(h) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee.

(i) The joint committee shall prepare and submit a final report and recommendations to the legislature on or before January 1, 2010.

(j) The provisions of this section shall expire on January 1, 2010.

Sec. 2. K.S.A. 8-1568 is hereby amended to read as follows: 8-1568. (a) (1) Any driver of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop, ~~or who otherwise flees or attempts to elude~~ for a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or (3). ~~The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform, prominently~~

displaying such officer's badge of office, and the officer's vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle.

(2) Any driver of a motor vehicle who willfully otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or (3).

(3) It shall be an affirmative defense to any prosecution under paragraph (1) of this subsection that the driver's conduct in violation of such paragraph was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.

(b) Any driver ~~who violates the provisions of subsection (a) of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, and who:~~ (1) Commits any of the following during a police pursuit: (A) Fails to stop for a police road block; (B) drives around tire deflating devices placed by a police officer; (C) engages in reckless driving as defined by K.S.A. 8-1566 and amendments thereto; (D) is involved in any motor vehicle accident or intentionally causes damage to property; or (E) commits five or more moving violations; or

(2) is attempting to elude capture for the commission of any felony, shall be guilty as provided in subsection (c)(4).

(c) (1) ~~Every person convicted of violating~~ Violation of subsection (a), upon a first conviction, shall be guilty of is a class B nonperson misdemeanor.

(2) ~~Every person convicted of violating~~ Violation of subsection (a), upon a second conviction of such subsection, shall be guilty of is a class A nonperson misdemeanor.

(3) ~~Every person convicted of violating~~ Violation of subsection (a), upon a third or subsequent conviction of such subsection, shall be guilty of is a severity level 9, person felony.

(4) ~~Every person convicted of violating~~ Violation of subsection (b) shall be guilty of is a severity level 9, person felony.

(d) The signal given by the police officer may be by hand, voice, emergency light or siren:

(1) If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or

(2) if the officer giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.

~~(e)~~ (e) For the purpose of this section:

(1) "Conviction" means a final conviction without regard whether sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

(2) "Appropriately marked" official police vehicle or police bicycle shall include, but not be limited to, any police vehicle or bicycle equipped with functional emergency lights or siren or both and which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle.

~~(f)~~ (f) The division of vehicles of the department of revenue shall promote public awareness of the provisions of this section when persons apply for or renew such person's driver's license.

Sec. 3. K.S.A. 21-3419 is hereby amended to read as follows: 21-3419. (a) A criminal threat is any threat to:

(1) Commit violence communicated with intent to terrorize another, or to cause the evacuation, lock down or disruption in regular, ongoing activities of any building, place of assembly or facility of transportation, or in reckless disregard of the risk of causing such terror or evacuation, lock down or disruption in regular, ongoing activities;

(2) adulterate or contaminate any food, raw agricultural commodity, beverage, drug, animal feed, plant or public water supply; or

(3) expose any animal in this state to any contagious or infectious disease.

(b) A criminal threat is a severity level 9, person felony.

(c) As used in this section, "threat" includes any statement that one has committed any action described by subsection (a)(1) or (2).

Sec. 4. K.S.A. 2008 Supp. 21-3419a is hereby amended to read as follows: 21-3419a. (a) Aggravated criminal threat is the commission of one or more crimes of criminal threat, as defined in K.S.A. 21-3419 and amendments thereto, when a public, commercial or industrial building, place of assembly or facility of transportation is evacuated, *locked down or disrupted as to regular, ongoing activities* as a result of the threat or threats.

(b) Aggravated criminal threat is a severity level 5, person felony.”;

And by renumbering sections accordingly;

On page 2, in line 7, by striking "attending the"; in line 8, by striking "conduct" and inserting "attendance”;

On page 3, in line 1, by striking all preceding "of" and inserting ", unlawful attendance”; following line 39, by inserting the following:

“Sec. 8. K.S.A. 21-4603d 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;

(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 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) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10); or

(12) suspend imposition of sentence in misdemeanor cases.

(b) (1) In 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 restitution, 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 required 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. ~~2007~~ 2008 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.

(l) 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. 65-4160 or 65-4162~~ section 6 of 2009 House Bill No. 2236, 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. 2007 2008 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 postrelease 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 section 6 of 2009 House Bill No. 2236, 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.*

Sec. 9. K.S.A. 21-4611 is hereby amended to read as follows: 21-4611. (a) The period of suspension of sentence, probation or assignment to community corrections fixed by the court shall not exceed five years in felony cases involving crimes committed prior to July 1, 1993, or two years in misdemeanor cases, subject to renewal and extension for additional fixed periods not exceeding five years in such felony cases, nor two years in misdemeanor cases. In no event shall the total period of probation, suspension of sentence or assignment to community corrections for a felony committed prior to July 1, 1993, exceed the greatest maximum term provided by law for the crime, except that where the defendant is convicted of nonsupport of a child, the period may be continued as long as the responsibility for support continues. Probation, suspension of sentence or assignment to community corrections may be terminated by the court at any time and upon such termination or upon termination by expiration of the term of probation, suspension of sentence or assignment to community corrections, an order to this effect shall be entered by the court. The provisions of K.S.A. 75-5291, and amendments thereto, shall be applicable to any assignment to a community correctional services program pursuant to this section.

(b) The district court having jurisdiction of the offender may parole any misdemeanant sentenced to confinement in the county jail. The period of such parole shall be fixed by the court and shall not exceed two years and shall be terminated in the manner provided for termination of suspended sentence and probation.

(c) For all crimes committed on or after July 1, 1993, the duration of probation in felony cases sentenced for the following severity levels on the sentencing guidelines grid for non-drug crimes and the sentencing guidelines grid for drug crimes is as follows:

(1) For nondrug crimes the recommended duration of probations is:

- (A) Thirty-six months for crimes in crime severity levels 1 through 5; and
- (B) 24 months for crimes in crime severity levels 6 and 7.
- (2) For drug crimes the recommended duration of probation is 36 months for crimes in crime severity levels 1 and 2.
- (3) *Except as otherwise provided*, in felony cases sentenced at severity levels 9 and 10 on the sentencing guidelines grid for nondrug crimes and severity level 4 on the sentencing guidelines grid for drug crimes, if a nonprison sanction is imposed, the court shall order the defendant to serve a period of probation, or assignment to a community correctional services program as provided under K.S.A. 75-5291 et seq., and amendments thereto, of up to 12 months in length.
- (4) In felony cases sentenced at severity level 8 on the sentencing guidelines grid for nondrug crimes ~~and~~, severity level 3 on the sentencing guidelines grid for drug crimes *and felony cases sentenced pursuant to K.S.A. 21-4729, and amendments thereto*, if a nonprison sanction is imposed, the court shall order the defendant to serve a period of probation, or assignment to a community correctional services program, as provided under K.S.A. 75-5291 et seq., and amendments thereto, of up to 18 months in length.
- (5) If the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by the length of the probation terms provided in subsections (c)(3) and (c)(4), the court may impose a longer period of probation. Such an increase shall not be considered a departure and shall not be subject to appeal.
- (6) Except as provided in subsections (c)(7) and (c)(8), the total period in all cases shall not exceed 60 months, or the maximum period of the prison sentence that could be imposed whichever is longer. Nonprison sentences may be terminated by the court at any time.
- (7) If the defendant is convicted of nonsupport of a child, the period may be continued as long as the responsibility for support continues. If the defendant is ordered to pay full or partial restitution, the period may be continued as long as the amount of restitution ordered has not been paid.
- (8) The court may modify or extend the offender's period of supervision, pursuant to a modification hearing and a judicial finding of necessity. Such extensions may be made for a maximum period of five years or the maximum period of the prison sentence that could be imposed, whichever is longer, inclusive of the original supervision term.
- (d) The provisions of subsection (c), as amended by this act, shall be applied retroactively. The sentencing court shall direct that a review of all persons serving a nonprison sanction for a crime in severity levels 8, 9 or 10 of the sentencing guidelines grid for nondrug crimes or a crime in severity levels 3 or 4 of the sentencing guidelines grid for drug crimes be conducted. On or before September 1, 2000, the duration of such person's probation shall be modified in conformity with the provisions of subsection (c).";
- And by renumbering the remaining sections accordingly;
- On page 7, in line 35, by striking "the uniform controlled substances act, K.S.A. 65-4101 et seq." and inserting "sections 1 through 17 of 2009 House Bill No. 2236"; in line 40, by striking "the uniform controlled substances act, K.S.A. 65-4101 et seq." and inserting "sections 1 through 17 of 2009 House Bill No. 2236";
- On page 9, in line 39, preceding the period by inserting "and shall be served consecutively to any other term or terms of imprisonment imposed";
- On page 10, in line 2, by striking all after "under" and inserting "sections 1 through 17 of 2009 House Bill No. 2236, and amendments thereto,";
- On page 12, in line 2, by striking all after "of" where it appears for the last time and inserting "sections 1 through 17 of 2009 House Bill No. 2236, and amendments thereto,";
- On page 13, in line 3, after "65-4159" by inserting ", prior to its repeal, or section 3 of 2009 House Bill No. 2236,"; in line 15, before "and" by inserting "prior to such section's repeal, or section 6 of 2009 House Bill No. 2236,"; in line 17, by striking "Such" and inserting "Subject to appropriations therefor, such"; in line 20, following the period by inserting "If the secretary determines that substance abuse treatment resources are otherwise available, such term of imprisonment may be served in a facility designated by the secretary of corrections in the custody of the secretary of corrections to participate in an intensive substance

abuse treatment program. The secretary's determination regarding the availability of treatment resources shall not be subject to review."'; by striking all in lines 41 through 43;

By striking all on page 14;

On page 15, by striking all in lines 1 through 15 and inserting the following:

“(g) (1) Except as provided further, if the trier of fact makes a finding that an offender carried a firearm to commit a drug felony, or in furtherance of a drug felony, possessed a firearm, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to:

(A) Except as provided in subparagraph (1)(B), an additional 6 months' imprisonment; and

(B) if the trier of fact makes a finding that the firearm was discharged, an additional 18 months' imprisonment.

(2) The sentence imposed pursuant to paragraph (1) shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) The provisions of this subsection shall not apply to violations of section 6 or 13 of 2009 House Bill No. 2236, and amendments thereto.

Sec. 12. K.S.A. 2008 Supp. 21-4714 is hereby amended to read as follows: 21-4714. (a) The court shall order the preparation of the presentence investigation report by the court services officer as soon as possible after conviction of the defendant.

(b) Each presentence report prepared for an offender to be sentenced for one or more felonies committed on or after July 1, 1993, shall be limited to the following information:

(1) A summary of the factual circumstances of the crime or crimes of conviction.

(2) If the defendant desires to do so, a summary of the defendant's version of the crime.

(3) When there is an identifiable victim, a victim report. The person preparing the victim report shall submit the report to the victim and request that the information be returned to be submitted as a part of the presentence investigation. To the extent possible, the report shall include a complete listing of restitution for damages suffered by the victim.

(4) An appropriate classification of each crime of conviction on the crime severity scale.

(5) A listing of prior adult convictions or juvenile adjudications for felony or misdemeanor crimes or violations of county resolutions or city ordinances comparable to any misdemeanor defined by state law. Such listing shall include an assessment of the appropriate classification of the criminal history on the criminal history scale and the source of information regarding each listed prior conviction and any available source of journal entries or other documents through which the listed convictions may be verified. If any such journal entries or other documents are obtained by the court services officer, they shall be attached to the presentence investigation report. Any prior criminal history worksheets of the defendant shall also be attached.

(6) A proposed grid block classification for each crime, or crimes of conviction and the presumptive sentence for each crime, or crimes of conviction.

(7) If the proposed grid block classification is a grid block which presumes imprisonment, the presumptive prison term range and the presumptive duration of postprison supervision as it relates to the crime severity scale.

(8) If the proposed grid block classification does not presume prison, the presumptive prison term range and the presumptive duration of the nonprison sanction as it relates to the crime severity scale and the court services officer's professional assessment as to recommendations for conditions to be mandated as part of the nonprison sanction.

(9) For defendants who are being sentenced for a conviction of a felony violation of K.S.A. 65-4160 or 65-4162, *prior to such section's repeal, or section 6 of 2009 House Bill No. 2236*, and amendments thereto, and meet the requirements of K.S.A. 21-4729, and amendments thereto, the drug abuse assessment as provided in K.S.A. 21-4729, and amendments thereto.

(10) For defendants who are being sentenced for a third or subsequent felony conviction of a violation of K.S.A. 65-4160 or 65-4162, *prior to such section's repeal, or section 6 of 2009 House Bill No. 2236*, and amendments thereto, the drug abuse assessment as provided in K.S.A. 21-4729, and amendments thereto.

(c) The presentence report will become part of the court record and shall be accessible to the public, except that the official version, defendant's version and the victim's statement, any psychological reports, risk and needs assessments and drug and alcohol reports and

assessments shall be accessible only to the parties, the sentencing judge, the department of corrections, and if requested, the Kansas sentencing commission. If the offender is committed to the custody of the secretary of corrections, the report shall be sent to the secretary and, in accordance with K.S.A. 75-5220 and amendments thereto to the warden of the state correctional institution to which the defendant is conveyed.

(d) The criminal history worksheet will not substitute as a presentence report.

(e) The presentence report will not include optional report components, which would be subject to the discretion of the sentencing court in each district except for psychological reports and drug and alcohol reports.

(f) *Except as provided in K.S.A. 21-4715, and amendments thereto*, the court can take judicial notice in a subsequent felony proceeding of an earlier presentence report criminal history worksheet prepared for a prior sentencing of the defendant for a felony committed on or after July 1, 1993.

(g) All presentence reports in any case in which the defendant has been convicted of a felony shall be on a form approved by the Kansas sentencing commission.

Sec. 13. K.S.A. 21-4715 is hereby amended to read as follows: 21-4715. (a) The offender's criminal history shall be admitted in open court by the offender or determined by a preponderance of the evidence at the sentencing hearing by the sentencing judge.

(b) Except to the extent disputed in accordance with subsection (c), the summary of the offender's criminal history prepared for the court by the state shall satisfy the state's burden of proof regarding an offender's criminal history.

(c) Upon receipt of the criminal history worksheet prepared for the court, the offender shall immediately notify the district attorney and the court with written notice of any error in the proposed criminal history worksheet. Such notice shall specify the exact nature of the alleged error. The state shall have the burden of producing further evidence to satisfy its burden of proof regarding any disputed part, or parts, of the criminal history and the sentencing judge shall allow the state reasonable time to produce such evidence to establish the disputed portion of the criminal history by a preponderance of the evidence. *If the offender later challenges such offender's criminal history, which has been previously established, the burden of proof shall shift to the offender to prove such offender's criminal history by a preponderance of the evidence.*

Sec. 14. K.S.A. 2008 Supp. 75-4319 is hereby amended to read as follows: 75-4319. (a) Upon formal motion made, seconded and carried, all bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include a statement of (1) the justification for closing the meeting, (2) the subjects to be discussed during the closed or executive meeting and (3) the time and place at which the open meeting shall resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

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

(1) Personnel matters of nonelected personnel;

(2) consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship;

(3) matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the body or agency;

(4) confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;

(5) matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;

(6) preliminary discussions relating to the acquisition of real property;

(7) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804 and amendments thereto;

(8) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (d)(1) of K.S.A. 38-1507 and amendments thereto or subsection (e) of K.S.A. 38-1508 and amendments thereto;

(9) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (j) of K.S.A. 22a-243 and amendments thereto;

(10) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (e) of K.S.A. 44-596 and amendments thereto;

(11) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (g) of K.S.A. 39-7,119 and amendments thereto;

(12) matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact;

(13) matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such security measures, that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; (C) a public body or agency, public building or facility or the information system of a public body or agency; or (D) private property or persons, if the matter is submitted to the agency for purposes of this paragraph. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments;

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

(15) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2008 Supp. 75-7427, and amendments thereto; *and*

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

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

(d) (1) Any confidential records or information relating to security measures provided or received under the provisions of subsection (b)(13), shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

(2) (A) *Except as otherwise provided by law, any confidential documents, records or reports relating to the parole board provided or received under the provisions of subsection (b)(16) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.*

(B) *Notwithstanding any other provision of law to the contrary, any summary statement provided or received under the provisions of subsection (b)(16) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.*

Sec. 15. K.S.A. 2008 Supp. 75-5291 is hereby amended to read as follows: 75-5291. (a)

(1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services that address the criminogenic needs of felony offenders including, but not limited to, adult intensive supervision, substance abuse and mental health services, employment and residential services, and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127 and amendments thereto.

(2) Except as otherwise provided, placement of offenders in community correctional services programs by the court shall be limited to placement of adult offenders, convicted of a felony offense:

(A) 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. In addition, the court may place in a community correctional services program adult offenders, convicted of a felony offense, whose offense is classified

in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for nondrug crimes;

(B) whose severity level and criminal history score designate a presumptive prison sentence on either sentencing guidelines grid but receive a nonprison sentence as a result of departure;

(C) all offenders convicted of an offense which satisfies the definition of offender pursuant to K.S.A. 22-4902, and amendments thereto, and which is classified as a severity level 7 or higher offense and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed;

(D) any offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in the offender being required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections;

(E) on and after ~~July 1, 2010~~ *January 1, 2011*, for offenders who are expected to be subject to supervision in Kansas, who are determined to be "high risk or needs, or both" by the use of a statewide, mandatory, standardized risk assessment tool or instrument which shall be specified by the Kansas sentencing commission;

(F) placed in community correctional services programs as a condition of supervision following the successful completion of a conservation camp program; or

(G) who has been sentenced to community corrections supervision pursuant to K.S.A. 21-4729, and amendments thereto.

(3) ~~(A)~~ Notwithstanding any law to the contrary and subject to the availability of funding therefor, adult offenders sentenced to community supervision in Johnson county for felony crimes that occurred on or after July 1, 2002, but before ~~July 1, 2010~~ *January 1, 2011*, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10th judicial district. The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this paragraph shall expire on ~~July 1, 2010~~ *January 1, 2011*.

~~(B) On or before the first day of the 2009 legislative session, the Kansas sentencing commission shall submit a written report on such offender program to the senate standing committee on judiciary and the house of representatives standing committee on judiciary.~~

(4) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.

(5) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert offenders from prison.

(2) The secretary shall appoint one member from the southeast community corrections region, one member from the northeast community corrections region, one member from the central community corrections region and one member from the western community corrections region. The deputy secretary of community and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.

(3) Each member shall be appointed for a term of three years and such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.

(4) The committee, in collaboration with the deputy secretary of community and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:

- (A) Efficiencies in the delivery of field supervision services;
 - (B) effectiveness and enhancement of existing interventions;
 - (C) identification of new interventions; and
 - (D) statewide performance indicators.
- (5) The committee's report concerning enhanced or new interventions shall address:
- (A) Goals and measurable objectives;
 - (B) projected costs;
 - (C) the impact on public safety; and
 - (D) the evaluation process.

(6) The committee shall submit its report to the secretary annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget request for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.

Sec. 16. K.S.A. 8-1568, 21-3419, 21-4315, 21-4316, 21-4319, 21-4603d, 21-4603d, as amended by section 32 of 2009 House Bill No. 2236, 21-4611 and 21-4715 and K.S.A. 2008 Supp. 21-3419a, 21-4704, 21-4704, as amended by section 33 of 2009 House Bill No. 2236, 21-4705, 21-4705, as amended by section 34 of 2009 House Bill No. 2236, 21-4714, 21-4714, as amended by section 37 of 2009 House Bill No. 2236, 75-4319 and 75-5291 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in lines 12 through 17 and inserting the following: “AN ACT concerning crimes, punishment and criminal procedure; amending K.S.A. 8-1568, 21-3419, 21-4315, 21-4316, 21-4319, 21-4603d, 21-4611 and 21-4715 and K.S.A. 2008 Supp. 21-3419a, 21-4704, 21-4705, 21-4714, 75-4319 and 75-5291 and repealing the existing sections; also repealing K.S.A. 21-4603d, as amended by section 32 of 2009 House Bill No. 2236, and K.S.A. 2008 Supp. 21-4704, as amended by section 33 of 2009 House Bill No. 2236, 21-4705, as amended by section 34 of 2009 House Bill No. 2236, and 21-4714, as amended by section 37 of 2009 House Bill No. 2236.”;

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

THOMAS C. OWENS
DEREK SCHMIDT
LAURA KELLY
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 2060** was adopted.

On roll call, the vote was: Yeas 100; Nays 17; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballard, Benlon, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grant, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, King, Kinzer, Kleeb, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Carlson, Craft, Donohoe, Faber, Gordon, Hayzlett, M. Holmes, Huebert, Kelley, Knox, McLeland, Merrick, Neufeld, Peck, Powell, Schwartz.

Present but not voting: None.

Absent or not voting: Bethell, Grange, Hawk, Kiegerl, Landwehr, Light, Rardin, Schwab.

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

EVENING SESSION

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

MESSAGE FROM THE SENATE

Announcing adoption of **SCR 1618**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate concurrent resolution was thereupon introduced and read by title: **SCR 1618**.

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 336**.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick pursuant to House Rule 2311, **SB 336** was advanced to Final Action on Bills and Concurrent Resolutions, subject to amendment, debate and roll call.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep Kinzer, **SB 336** was amended on page 88, in line 22, by striking "20-376" and inserting "20-367";

On page 1, in the title, in line 38, by striking "20-376" and inserting "20-367";

SB 336, An act reconciling amendments to certain statutes and making certain technical changes related thereto; amending K.S.A. 16a-6-117, as amended by section 23 of 2009 Senate Bill No. 240, 20-3201, 21-3826, as amended by section 1 of 2009 Senate Bill No. 237, and 72-4423, as amended by section 11 of 2009 House Bill No. 2003, and K.S.A. 2008 Supp. 8-126, as amended by section 4 of 2009 Senate Bill No. 275, 8-1567, as amended by section 5 of 2009 Senate Substitute for House Bill No. 2096, 8-2110, as amended by section 1 of 2009 Senate Bill No. 158, 12-5242, 19-101a, 20-367, 22-3716, 25-4156, 25-4169a, 28-172a, as amended by section 15 of 2009 Senate Bill No. 66, 38-2211, 38-2255, as amended by section 6 of 2009 Senate Bill No. 134, 45-221, as amended by section 27 of 2009 House Bill No. 2052, 59-104, as amended by section 19 of 2009 Senate Bill No. 66, 60-1621, as amended by section 22 of 2009 Senate Bill No. 66, 60-2001, as amended by section 23 of 2009 Senate Bill No. 66, 60-4104, as amended by section 1 of 2009 Substitute for Senate Bill No. 28, 61-2704, as amended by section 25 of 2009 Senate Bill No. 66, 61-4001, as amended by section 26 of 2009 Senate Bill No. 66, 65-1643, 65-2878, 66-2005, 72-6448, 75-7c04, as amended by section 2 of 2009 House Bill No. 2308, 75-7427, 76-3110, 79-213, 79-5a27 and 79-32,117 and section 16 of 2009 House Bill No. 2236 and repealing the existing sections; also repealing K.S.A. 20-3201, as amended by section 1 of 2009 House Bill No. 2111, 21-3826, as amended by section 27 of 2009 House Bill No. 2236, 65-4142, as amended by section 1 of 2009 House Bill No. 2059, and 76-3110, as amended by section 36 of chapter 145 of the 2004 Session Laws of Kansas, and K.S.A. 2008 Supp. 8-126, as amended by section 4 of 2009 House Bill No. 2152, 8-1567, as amended by section 19 of 2009 House Bill No. 2236, 8-2110, as amended by section 3 of 2009 Senate Bill No. 66, 12-1773a, 12-5242a, 12-5242b, 19-101m, 20-367, as amended by section 2 of 2009 House Bill No. 2111,

22-3716a, 25-4156a, 25-4169b, 28-172a, as amended by section 3 of 2009 House Bill No. 2111, 38-2211a, 38-2255, as amended by section 47 of 2009 House Bill No. 2236, 39-756d, 45-221, as amended by section 2 of 2009 Senate Bill No. 87, 45-229b, 59-104, as amended by section 4 of 2009 House Bill No. 2111, 60-1621, as amended by section 5 of 2009 House Bill No. 2111, 60-2001, as amended by section 6 of 2009 House Bill No. 2111, 60-2102a, 60-2403a, 60-4104, as amended by section 51 of 2009 House Bill No. 2236, 61-2704, as amended by section 7 of 2009 House Bill No. 2111, 61-3003a, 61-4001, as amended by section 8 of 2009 House Bill No. 2111, 65-1643b, 65-2878b, 66-2005a, 72-6433c, 72-6448, as amended by section 1 of 2009 House Bill No. 2002, 75-7c04, as amended by section 60 of 2009 House Bill No. 2236, 75-7427a, 79-213e, 79-5a27a and 79-32,117m and section 1 of 2009 Senate Substitute for House Bill No. 2126, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 0; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Ballard, Benlon, 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, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, George, Grange, Hawk, Kiegerl, Landwehr, Loganbill, Neufeld, Rardin, Schwab.

The bill passed, as amended.

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 2374**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Brunk, the House concurred in Senate amendments to **HB 2374**, An act concerning employment security law; relating to alternative base periods, approved job training and part-time employees' eligibility for benefits; amending K.S.A. 2008 Supp. 44-703, 44-704c and 44-705 and repealing the existing sections.

On roll call, the vote was: Yeas 111; Nays 8; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Benlon, 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, Goico, Gordon, Goyle, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Donohoe, Faber, Kelley, Kinzer, Merrick, Patton, Peck.

Present but not voting: None.

Absent or not voting: Bethell, George, Grange, Hawk, Rardin, 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 2162**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2162**, submits the following report:

The Senate recesses from all of its amendments to the bill;

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

JIM BARNETT
VICKI SCHMIDT
DAVID HALEY
Conferees on part of Senate

BRENDA K. LANDWEHR
DAVID CRUM
GERALDINE FLAHARTY
Conferees on part of House

On motion of Rep. Crum, the conference committee report on **HB 2162** 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, Benlon, 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, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, George, Grange, Hawk, Rardin, 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 2158**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2158**, 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, by striking all in line 17 and inserting in lieu thereof the following:

“New Sec. 2. (a) The board of county commissioners of Sherman county may provide for the election of county commissioners in accordance with this section. The procedure for the election of county commissioners shall be adopted by resolution in accordance with the provisions of K.S.A. 19-204 and amendments thereto. The resolution shall be in substantial compliance with the provisions of subsection (b). Any county commissioner whose term has

not expired by the time the resolution has been adopted by the voters of Sherman county, Kansas, shall continue to serve until a successor county commissioner is elected.

(b) (1) Each county commissioner shall run at large. Each candidate for county commissioner may reside anywhere within Sherman county, Kansas.

(2) All electors who are otherwise qualified according to law and who reside in Sherman county, Kansas, may vote in both the primary and general election for each county commissioner being elected. Each candidate shall file for the office of county commissioner in the manner provided by law. Elections for the office of county commissioner shall be conducted in accordance with the provisions of article 25 of the Kansas Statutes Annotated, and amendments thereto, except as provided in this section and amendments thereto.

(3) (A) Primary elections under this section shall be conducted on a partisan basis. In the primary election, each qualified voter shall be allowed to vote for the same number of candidates as the number of county commissioners being elected. For each county commissioner being elected, the candidate receiving the highest number of votes shall appear on the ballot in the general election.

(B) No person shall be permitted to cast more than one vote for any specific candidate.

(4) In the general election, each qualified voter shall be allowed to vote for the same number of candidates as the number of county commissioners being elected. The candidate receiving the highest number of votes for each office of county commissioner being elected shall be deemed to have been elected to such office.

(c) (1) The provisions of this section shall expire on December 31, 2010, unless the qualified voters of Sherman county, Kansas, elect to adopt the provisions of this section prior to such date.

(2) If a majority of the qualified electors voting on the resolution submitted to the voters pursuant to this section who reside within the corporate limits of the city of Goodland, Kansas, and a majority of the qualified electors voting on such resolution who reside outside of the corporate limits of the city of Goodland, Kansas, vote in favor thereof, the resolution shall be implemented in the manner provided by the resolution. If a majority of the electors who reside within the corporate limits of the city of Goodland, Kansas or a majority of the qualified electors who reside outside of the corporate limits of the city of Goodland, Kansas, vote against such resolution, the proposed resolution shall not be implemented.

Sec. 3. K.S.A. 19-201 is hereby amended to read as follows: 19-201. *Except as provided in section 2, and amendments thereto*, each county in the state of Kansas shall have three (~~3~~), five (~~5~~) or seven (~~7~~) commissioner districts, which shall be designated numerically and serially beginning with number 1.

The provisions of this section may be modified by the adoption of a charter for county government in any county which has established a charter commission pursuant to law.

Sec. 4. K.S.A. 19-202 is hereby amended to read as follows: 19-202. (a) The board of county commissioners of each county shall consist of three, five or seven qualified electors.

(b) *Except as provided in section 2, and amendments thereto*, one county commissioner shall reside in and represent each commissioner district within the county. During the time that any person is a candidate for nomination or election to office as a member of the board of county commissioners and during the term of office of the county commissioner, such candidate or county commissioner shall be and remain a qualified elector who resides in such person's district.

(c) Except as provided by K.S.A. 19-203, and amendments thereto, terms of office for the board of county commissioners shall be staggered in such a way that no more than a simple majority of commissioners is elected at any general election.

(d) Except as provided by K.S.A. 19-203, and amendments thereto, all county commissioners shall hold office for a term of four years from the second Monday of January next after their election and until their successors are qualified.

(e) The provisions of subsections (a), (c) and (d) of this section may be modified by the adoption of a charter for county government in any county which has established a charter commission pursuant to law.

Sec. 5. K.S.A. 19-203 is hereby amended to read as follows: 19-203. (a) *Subject to the provisions of section 2, and amendments thereto*, when a vacancy occurs in the office of a member of the board of county commissioners, it shall be filled by appointment of a resident

in the district to fill the office for the unexpired term and until a successor is elected and qualified. When a vacancy occurs before May 1 of the first even-numbered year following the commencement of a term of office, it shall be filled by the appointment of a resident of such district who shall serve until a successor is elected and qualified at the next general election. Such successor shall assume office on the second Monday of January next following such election.

(b) Except as provided by subsection (c), appointments under this section shall be made in the manner provided by K.S.A. 25-3902, and amendments thereto, for filling vacancies in district offices.

(c) *Subject to the provisions of section 2, and amendments thereto*, vacancies created by an increase in the number of county commissioner districts in a county pursuant to K.S.A. 19-204, and amendments thereto, shall be filled by appointment of the governor. The governor shall make such appointments within 30 days of the date of the adoption of the resolution dividing the county into commissioner districts or within 30 days of the date of the order of the district court dividing the county into commissioner districts as required by K.S.A. 19-204a, and amendments thereto. Such appointees shall serve until successors are elected and qualified at the next general election. Such successors shall assume office on the second Monday of January next following their election. If at the next general election following such appointments, more than a simple majority of commissioners are elected, persons elected to the positions created by an increase in the number of districts shall be elected for two year terms and until their successors are qualified. Thereafter such members shall be elected to four year terms and until their successors are qualified. The provisions of this subsection shall apply to positions created by an increase in the number of districts at the election held in November 1990 and all such elections thereafter.

Sec. 6. K.S.A. 19-204 is hereby amended to read as follows: 19-204. (a) *Subject to the provisions of section 2, and amendments thereto, and subject to the provisions of K.S.A. 19-204a, and amendments thereto*, the board of county commissioners, on the day of the organization of the board or as soon thereafter as may be possible, shall meet and divide the county into three commissioner districts or such number of districts as is prescribed by resolution of the board, as compact and equal in population as possible, and number them. Such districts shall be subject to alteration at least once every three years.

(b) In Shawnee county, each district shall include residents of both the incorporated and unincorporated areas of the county. The number of residents in each district from the unincorporated area of the county shall be as equal in number, as possible. Such districts shall be subject to alteration at least once every three years.

If the districts do not meet the requirements of this subsection, the districts shall be altered to comply with such requirements no later than 30 days following the effective date of this act.

(c) The board of county commissioners of any county, by resolution, may divide the county into three, five or seven commissioner districts, as compact and equal in population as possible, but no such resolution which would effect a change in the number of commissioner districts shall take effect until it has been approved by a majority of the qualified electors of the county voting thereon at the next general election following not less than 60 days the adoption of such resolution, in which all the qualified electors of the county are entitled to vote. Upon the presentation of a petition to the board of county commissioners, signed by electors equal in number to 5% of the qualified electors of the county and verified by the county election officer, requesting that the number of commissioner districts be changed, the board of county commissioners shall cause such proposition to be submitted to the voters of the county at the next general election, following not less than 60 days the presentation of such petition, in which all of the qualified electors of the county are entitled to vote. In the event that more than one such petition is presented to the board of county commissioners prior to a general election, and any of such petitions conflicts with any other such petition with respect to the number of commissioner districts requested, the board of county commissioners shall decide, by majority vote thereon, which of the propositions shall be submitted to the voters at the next such general election. If a majority of the electors voting at such election shall be in favor of changing the number of commissioner districts,

the board of county commissioners shall provide for the division of the county into commissioner districts as provided in K.S.A. 19-204a, and amendments thereto.

(d) No change in the number of commissioner districts shall become effective in any county within four years of the effective date of any previous change in the number of commissioner districts in such county.

(e) The provisions of this section may be modified by the adoption of a charter for county government in any county which has established a charter commission pursuant to law.

Sec. 7. K.S.A. 19-204a is hereby amended to read as follows: 19-204a. *Subject to the provisions of section 2, and amendments thereto*, when the voters of a county approve a change in the number of county commissioner districts at an election held under K.S.A. 19-204, and amendments thereto, the board of county commissioners, on or before January 1 immediately following such election, shall adopt a resolution dividing the county into the number of districts approved by the voters. If the board of county commissioners fails to adopt such resolution within the time prescribed, the chief judge of the district court of the county, on or before the following January 31, shall order the county divided into the appropriate number of districts.

Sec. 8. On July 1, 2009, K.S.A. 2008 Supp. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b) (1) Corrupt political advertising of a state or local office is:

(A) Publishing or causing to be published in a newspaper or other periodical any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(B) broadcasting or causing to be broadcast by any radio or television station any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor; ~~or~~

(C) *telephoning or causing to be contacted by any telephonic means including, but not limited to, any device using a voice over internet protocol or wireless telephone, any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is preceded by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;*

~~(D)~~ (D) publishing or causing to be published any brochure, flier or other political fact sheet which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this ~~subsection~~ ~~(D)~~ subparagraph (D) requiring the disclosure of the name of an individual shall not apply to individuals making expenditures in an aggregate amount of less than \$2,500 within a calendar year; *or*

(E) *making or causing to be made any website, e-mail or other type of internet communication which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the chairperson or treasurer*

of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subparagraph (E) requiring the disclosure of the name of an individual shall apply only to any website, e-mail or other type of internet communication which is made by the candidate, the candidate's candidate committee, a political committee or a party committee and such website, e-mail or other internet communication viewed by or disseminated to at least 25 individuals. For the purposes of this subparagraph, the terms "candidate," "candidate committee," "party committee" and "political committee" shall have the meanings ascribed to them in K.S.A. 25-4143, and amendments thereto.

(2) Corrupt political advertising of a state or local office is a class C misdemeanor.

(c) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this section which can be given effect without the invalid application or provision, and to this end the provisions of this section are declared to be severable.

Sec. 9. On July 1, 2009, K.S.A. 2008 Supp. 25-4148 is hereby amended to read as follows: 25-4148. (a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. Reports filed by treasurers for candidates for state-wide office shall be filed *electronically and* only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

(1) The eighth day preceding the primary election, which report shall be for the period beginning on January 1 of the election year for the office the candidate is seeking and ending 12 days before the primary election, inclusive;

(2) the eighth day preceding a general election, which report shall be for the period beginning 11 days before the primary election and ending 12 days before the general election, inclusive;

(3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on December 31, inclusive;

(4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the preceding calendar year;

(5) a treasurer shall file only the annual report required by subsection (4) for those years when the candidate is not participating in a primary or general election.

(b) Each report required by this section shall state:

(1) Cash on hand on the first day of the reporting period;

(2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

(3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;

(4) the aggregate amount of contributions for which the name and address of the contributor is not known;

(5) each contribution, rebate, refund or other receipt not otherwise listed;

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of \$50, with the amount, date, and purpose of each; the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;

(8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate,

candidate committee, party committee or political committee, if the contribution is in excess of \$100 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution;

(9) the aggregate of all expenditures not otherwise reported under this section; and

(10) the total of expenditures.

(c) In addition to the requirements of subsection (b), every treasurer for any political committee and party committee shall report the following:

(1) (A) The name and address of each candidate for state or local office for whom an expenditure in the form of an in-kind contribution has been made in an aggregate amount or having a fair market value in excess of \$300, with the amount, date and purpose of each. The report shall show in detail the specific service or product provided; and

(B) the name and address of each candidate for state or local office who is the subject of an expenditure which:

(i) Is made without the cooperation or consent of a candidate or candidate committee;

(ii) expressly advocates the nomination, election or defeat of such candidate; and

(iii) is an aggregate amount or having a fair market value in excess of \$300.

(2) The report shall state the amount, date and purpose of the expenditure in the form of an in-kind contribution. The report shall show in detail the specific service or product provided. The reporting requirements imposed by this subsection shall be in addition to all other requirements required by this section.

(d) Treasurers of candidates and of candidate committees shall itemize the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154, and amendments thereto.

(e) If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, a description of the connection to or affiliation with such organization. If, the committee is not connected or affiliated with any one organization, the report shall state the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(f) The commission may require any treasurer to file an amended report for any period for which the original report filed by such treasurer contains material errors or omissions. The notice of the errors or omissions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.

(g) The commission may require any treasurer to file a report for any period for which the required report is not on file. The notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.

(h) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate's committee or by the treasurer of any party committee or political committee, the date of the convention or caucus shall be considered the date of the primary election.

(i) If a report is sent by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.

(j) Any report required by this section may be signed by the candidate in lieu of the candidate's treasurer or the treasurer of the candidate's committee.

Sec. 10. On July 1, 2009, K.S.A. 2008 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) ~~From and after January 1, 2006, Except as provided by section 11, and amendments thereto,~~ any faculty member who receives an annual salary of \$50,000 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.

New Sec. 11. (a) The executive officer of any state educational institution as defined by K.S.A. 76-711, and amendments thereto, may require any faculty member who receives an annual salary of \$50,000 or more, other than an adjunct faculty member, to file a written statement of substantial interests with the employing state educational institution in lieu of filing the statements of substantial interests as required by K.S.A. 46-247, and amendments thereto. The executive officer shall notify the governmental ethics commission in writing of such decision to require filing of faculty statements of substantial interests only with the state educational institution.

(b) The written statement of substantial interests filed with a state educational institution pursuant to this section shall, at a minimum, include the information required by K.S.A. 46-229, and amendments thereto, and shall be an open public record. Any conflict of interests information required by the state board of regents or state educational institution that is in addition to that which is required by K.S.A. 46-229, and amendments thereto, may be placed in the faculty member's personnel records file and discretionarily closed in accordance with K.S.A. 45-221, and amendments thereto.

(c) The written statement of substantial interests required by this section shall be in such form as required by the state board of regents and shall be filed annually as part of the state educational institution's appointment or salary notification process, and supplemented as required by the state board of regents.

(d) The provisions of this section shall take effect on July 1, 2009.

(e) The provisions of this section shall expire on July 1, 2010.

Sec. 12. K.S.A. 19-201, 19-202, 19-203, 19-204 and 19-204a and K.S.A. 2008 Supp. 74-2113 are hereby repealed.

Sec. 13. On July 1, 2009, K.S.A. 2008 Supp. 25-4148, 25-4156, 25-4156a and 46-247 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, by striking all in lines 12 through 15 and inserting in lieu thereof the following: “AN ACT concerning elections and election related issues; amending K.S.A. 19-201, 19-202, 19-203, 19-204 and 19-204a and K.S.A. 2008 Supp. 25-4148, 25-4156, 46-247 and 74-2113 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 25-4156a.”;

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

VICKI SCHMIDT
PAT APPLE
OLETHA FAUST-GOUDEAU
Conferees on part of Senate

STEVE HUEBERT
SCOTT SCHWAB
TOM SAWYER
Conferees on part of House

On motion of Rep. Huebert to adopt the conference committee report on **HB 2158**, Rep. Burgess 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. Huebert and the conference committee report 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, Benlon, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burgess, Dillmore, Faber, Knox.

Present but not voting: None.

Absent or not voting: Bethell, George, Grange, Hawk, Rardin, Schwab.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote yea on the Conference Committee Report on **HB 2158**. Through the hearing process and debate on the provisions of this conference committee report, we want to make it clear our intent is not to functionally limit the use of social media by campaigns. In the case of twitter, SMS and social media that involve character limits, it could be very damaging to the use of those technologies if the disclosure provisions are strictly interpreted.—STEVE HUEBERT, TOM SAWYER

MR. SPEAKER: I vote nay on the Conference Committee Report on **HB 2158**. Although there are a number of good provisions in this report, I have concerns with the language in Section 8 Subparagraph (D). In the case of twitter, SMS and social media that involve character limits, it could be very damaging to the use of those technologies if the disclosure provisions are strictly interpreted.—MIKE BURGESS

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 2214**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2214**, 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, by striking all in lines 19 through 43;

By striking all on pages 2 through 25;

On page 26, by striking all in lines 1 through 38 and inserting the following:

“New Section 1. The provisions of sections 1 through 5, and amendments thereto, shall be known and may be cited as the controlled insurance programs act.

New Sec. 2. As used in the controlled insurance programs act:

(a) “Commissioner” means the commissioner of insurance.

(b) “Completed operations liability” has the meaning ascribed thereto in K.S.A. 40-4101, and amendments thereto.

(c) The terms “construction,” “contract,” “contractor,” “owner,” “person” and “subcontractor” have the meanings ascribed thereto in K.S.A. 16-1802, and amendments thereto.

(d) “Controlled insurance program” means a program of liability or workers compensation insurance coverage, or both, that is established by an owner or contractor who contractually requires participation by contractors or subcontractors who are engaged in work required by a construction contract. Controlled insurance programs shall include, but not be limited to, coverage programs that are for a fixed term of coverage on a single construction site or project or multiple projects, and a consolidated or wrap-up insurance program as the term is used in subsection (b)(3) of K.S.A. 16-1803, and amendments thereto. A controlled insurance program subject to this act shall not include surety or builders risk.

(e) “Participant” means any contractor or subcontractor whose participation in a controlled insurance program is required by a construction contract.

(f) “Sponsoring participant” means the owner or contractor who establishes the controlled insurance program.

(g) “Substantial completion” shall have the meaning ascribed to it in K.S.A. 16-1902 and amendments thereto.

New Sec. 3. The commissioner by rules and regulations, shall require that:

(a) Controlled insurance programs shall:

(1) Establish a method for quarterly reporting of the participant’s respective claims details and loss information to that participant;

(2) provide that cancellation of any or all of the coverage provided to a participant prior to completion of work on the applicable project, shall require the owner or contractor who establishes a controlled insurance program to either replace the insurance or pay the subcontractor’s cost to do so;

(3) not charge enrolled participants who are not the sponsoring participants, a deductible in excess of \$2,500 per occurrence or a per claim assessment by the sponsor;

(4) keep self-insured retentions fully funded or collateralized by the owner or contractor establishing the controlled insurance program. This paragraph shall not apply to deductible programs;

(5) disclose specific requirements for safety or equipment prior to accepting bids from contractors and subcontractors on a construction project; and

(6) allow monetary fines for alleged safety violations to be assessed only by government agencies.

(b) If a controlled insurance program includes general liability coverage for the participants, then:

(1) Coverage for completed operations liability shall not, after substantial completion of a construction project, be canceled, lapse or expire before the limitation on actions has expired as established by subsection (b) of K.S.A. 60-513, and amendments thereto, but in no case greater than 10 years, and if another carrier takes responsibility for completed operations liability coverage, any and all prior completed operation liability carriers will be released from completed operations liability unless specified otherwise in subsequent policies;

(2) general liability coverage shall not be required of project participants except for liabilities not arising on the site or sites of the construction project. Any coverage maintained by the participants shall cover liabilities not arising on the site or sites of the construction project;

(3) the general liability coverage provided to participants shall provide for severability of interest, except with respect to limits of liability, so that participants shall be treated as if separately covered under the policy;

(4) participants shall be given the same shared limits of liability coverage as applies to the sponsoring participant under the controlled insurance program; and

(5) participants shall not be required to waive rights of recovery for claims covered by the controlled insurance program against another participant in the controlled insurance program covered by general liability insurance provided by the controlled insurance program.

(c) If a controlled insurance program includes coverage for the workers compensation liabilities of the participants, then:

(1) Workers compensation coverage shall include all workers compensation for which payroll attributable to the contractual agreement has been reported and the premiums collected covering all services performed incidental to, arising out of or emanating from the construction site or sites and the coming or going to or from the site or sites; and

(2) participants shall not be required to provide employment to a worker who has been injured on the job unless:

(A) The worker's treating health care provider certifies that the worker is fit to perform the participant's work on the job site consistent with the treating physician's limitations; and

(B) the employer has the pre-injury job or modified work available.

Nothing in this subsection or any rules and regulations adopted pursuant to the controlled insurance program act shall affect any rights, remedies or duties under the workers compensation act or any other state or federal employment law.

New Sec. 4. In addition to such other rules and regulations adopted pursuant to this act, the commissioner is hereby authorized to adopt such rules and regulations relating to controlled insurance programs as may be necessary to carry out the provisions of the controlled insurance programs act.

New Sec. 5. The commissioner shall adopt all rules and regulations required by this act by January 1, 2010.

Sec. 6. K.S.A. 16-1803 is hereby amended to read as follows: 16-1803. (a) Subject to the provisions of subsections (b), (c), (d), (e), (f), (g) and (h) and K.S.A. 16-1804 and 16-1805, and amendments thereto, all persons who enter into a contract for private construction after the effective date of this act, shall make all payments pursuant to the terms of the contract.

(b) The following provisions in a contract for private construction shall be against public policy and shall be void and unenforceable:

(1) A provision that purports to waive, release or extinguish the right to resolve disputes through litigation in court or substantive or procedural rights in connection with such litigation except that a contract may require binding arbitration as a substitute for litigation or require non-binding alternative dispute resolution as a prerequisite to litigation;

(2) a provision that purports to waive, release or extinguish rights provided by article 11 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, except that a contract may require a contractor or subcontractor to provide a waiver or release of such rights as a condition for payment, but only to the extent of the amount of payment received; and

(3) a provision that purports to waive, release or extinguish rights of subrogation for losses or claims covered or paid by liability or workers compensation insurance except that a contract may require waiver of subrogation for losses or claims paid by a consolidated or wrap-up insurance program, owners and contractors protective liability insurance, or project management protective liability insurance, *unless otherwise prohibited under subsection (b)(5) of section 3, and amendments thereto.*

(c) Any provision in a contract for private construction providing that a payment from a contractor or subcontractor to a subcontractor is contingent or conditioned upon receipt of a payment from any other private party, including a private owner, is no defense to a claim to enforce a mechanic's lien or bond to secure payment of claims pursuant to the provisions of article 11 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(d) All contracts for private construction shall provide that payment of amounts due a contractor from an owner, except retainage, shall be made within 30 days after the owner receives a timely, properly completed, undisputed request for payment.

(e) If the owner fails to pay a contractor within 30 days following receipt of a timely, properly completed, undisputed request for payment, the owner shall pay interest to the contractor beginning on the thirty-first day after receipt of the request for payment, computed at the rate of 18% per annum on the undisputed amount.

(f) A contractor shall pay its subcontractors any amounts due within seven business days of receipt of payment from the owner, including payment of retainage, if retainage is released by the owner, if the subcontractor has provided a timely, properly completed and undisputed request for payment to the contractor.

(g) If the contractor fails to pay a subcontractor within seven business days, the contractor shall pay interest to the subcontractor beginning on the eighth business day after receipt of payment by the contractor, computed at the rate of 18% per annum on the undisputed amount.

(h) The provisions of subsections (f) and (g) shall apply to all payments from subcontractors to their subcontractors.

Sec. 7. K.S.A. 2008 Supp. 40-2,105 is hereby amended to read as follows: 40-2,105. (a) On or after the effective date of this act, every insurer which issues any individual *policy of accident and sickness insurance* or group policy of accident and sickness insurance ~~providing to a small employer as defined in K.S.A. 40-2209d, and amendments thereto, which provides~~ medical, surgical or hospital expense coverage for other than specific diseases or accidents only and which provides for reimbursement or indemnity for services rendered to a person covered by such policy in a medical care facility, must provide for reimbursement or indemnity under such individual policy or under such *small employer* group policy, except as provided in subsection (d), which shall be limited to not less than ~~30~~ 45 days per year ~~when such person is confined for treatment of alcoholism, drug abuse or nervous or mental conditions for in-patient treatment of mental illness~~ in a medical care facility licensed under the provisions of K.S.A. 65-429, and amendments thereto, ~~and not less than 30 days per year when such person is confined for treatment of alcoholism, drug abuse or substance use disorders~~ in a treatment facility for alcoholics licensed under the provisions of K.S.A. 65-4014, and amendments thereto, a treatment facility for drug abusers licensed under the provisions of K.S.A. 65-4605, and amendments thereto, a community mental health center or clinic licensed under the provisions of K.S.A. 75-3307b, and amendments thereto, or a psychiatric hospital licensed under the provisions of K.S.A. 75-3307b, and amendments thereto. Such individual policy or such *small employer* group policy shall also provide for reimbursement or indemnity, except as provided in subsection (d), of the costs of treatment of such person for *mental illness, alcoholism, drug abuse and nervous or mental conditions substance use disorders* subject to the same deductibles, copayments, coinsurance, out-of-pocket expenses and treatment limitations as apply to other covered services, limited to not less than ~~100% of the first \$100, 80% of the next \$100 and 50% of the next \$1,640~~ in any year and limited to not less than ~~\$7,500~~ \$15,000 in such person's lifetime, ~~with no annual limits~~, in the facilities enumerated when ~~confinement~~ *in-patient treatment* is not necessary for the treatment or by a physician licensed or psychologist licensed to practice under the laws of the state of Kansas.

(b) For the purposes of this section "~~nervous or mental conditions~~" "*mental illness, alcoholism, drug abuse or substance use*" means disorders specified in the diagnostic and statistical manual of mental disorders, fourth edition, (DSM-IV, 1994) of the American psychiatric association ~~but shall not include conditions:~~

~~(1) Not attributable to a mental disorder that are a focus of attention or treatment (DSM-IV, 1994); and~~

~~(2) defined as a mental illness in K.S.A. 2008 Supp. 40-2,105a and amendments thereto.~~

(c) The provisions of this section shall be applicable to health maintenance organizations organized under article 32 of chapter 40 of the Kansas Statutes Annotated.

(d) There shall be no coverage under the provisions of this section for any assessment against any person required by a diversion agreement or by order of a court to attend an alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments

thereto, or for evaluations and diagnostic tests ordered or requested in connection with criminal actions, divorce, child custody or child visitation proceedings.

(e) The provisions of this section shall not apply to any medicare supplement policy of insurance, as defined by the commissioner of insurance by rule and regulation.

(f) The provisions of this section shall be applicable to the Kansas state employees health care benefits program developed and provided by the Kansas state employees health care commission.

~~(g) The outpatient coverage provisions of this section shall not apply to a high deductible health plan as defined in federal law if such plan is purchased in connection with a medical or health savings account pursuant to that federal law, regardless of the effective date of the insurance policy. After the amount of eligible deductible expenses have been paid by the insured, the outpatient costs of treatment of the insured for alcoholism, drug abuse and nervous or mental conditions shall be paid on the same level they are provided for a medical condition, subject to the yearly and lifetime maximums provided in subsection (a).~~

~~(f) Treatment limitations include limits on the frequency of treatment, number of visits, days of coverage or other similar limits on the scope or duration of treatment.~~

~~(g) Utilization review for mental illness shall be consistent with provisions in K.S.A. 40-22a01 through 40-22a12, and amendments thereto.~~

Sec. 8. K.S.A. 2008 Supp. 40-2,105a is hereby amended to read as follows: 40-2,105a. (a) (1) Any 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 which provides *medical, surgical or hospital expense* coverage for mental health benefits and which is delivered, issued for delivery, amended or renewed on or after January 1, 2002, shall include, coverage for diagnosis and treatment of mental illnesses. ~~Except as provided in paragraph (2); and alcoholism, drug abuse or other substance use disorders. Reimbursement or indemnity shall be provided for treatment in a medical care facility licensed under the provisions of K.S.A. 65-429, and amendments thereto, treatment facilities licensed under K.S.A. 65-4605, and amendments thereto, a community mental health center or clinic licensed under the provisions of K.S.A. 75-3307b, and amendments thereto, a psychiatric hospital licensed under the provisions of K.S.A. 75-3307b, and amendments thereto, or by a physician or psychologist licensed to practice under the laws of the state of Kansas.~~ Such coverage shall be subject to the same deductibles, copayments, coinsurance, out-of-pocket expenses, treatment limitations and other limitations as apply to other covered services.

~~(2) The coverage required by paragraph (1) shall include annual coverage for both 45 days of in-patient care for mental illness and for 45 visits for out-patient care for mental illness shall include treatment for in-patient care and out-patient care for mental illness, alcoholism, drug abuse or substance use disorders.~~

(b) Notwithstanding the provisions of K.S.A. 40-2249a, and amendments thereto, the state insurance department shall deliver to the president of the senate and to the speaker of the house of representatives on or before January 1, 2003, a report indicating the impact of providing mental illness benefits required by this act. Such report shall include information regarding access to and usage of such services and the cost of such services.

~~(c) For the purposes of this section, "mental illness, alcoholism, drug abuse or substance use" means the following: Schizophrenia, schizoaffective disorder, schizophreniform disorder, brief reactive psychosis, paranoid or delusional disorder, atypical psychosis, major affective disorders (bipolar and major depression), cyclothymic and dysthymic disorders, obsessive compulsive disorder, panic disorder, pervasive developmental disorder, including autism, attention deficit disorder and attention deficit hyperactive any disorder as such terms are defined in the diagnostic and statistical manual of mental disorders, fourth edition, (DSM-IV, 1994) of the American psychiatric association but shall not include conditions not attributable to a mental disorder that are a focus of attention or treatment.~~

~~(d) (c) The provisions of this section shall be applicable to health maintenance organizations organized under article 32 of chapter 40 of the Kansas Statutes Annotated.~~

~~(e) (d) The provisions of this section shall not apply to any small employer group policy, as defined under K.S.A. 40-2209, and amendments thereto, providing medical, surgical or~~

hospital expense coverage or to any medicare supplement policy of insurance, as defined by the commissioner of insurance by rule and regulation.

~~(f) (e)~~ The provisions of this section shall be applicable to the Kansas state employees health care benefits program and municipal funded pools.

~~(g) (f)~~ The provisions of this section shall not apply to any policy or certificate which provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-2227, and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rule and regulation, any coverage issued as a supplement to liability insurance, workers compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

~~(h) From and after January 1, 2002, the provisions of K.S.A. 40-2,105, and amendments thereto, shall not apply to mental illnesses as defined in this act:~~

~~(i) There shall be no coverage under this section for evaluations and diagnostic tests ordered or requested in connection with criminal actions, divorce, child custody or child visitation proceedings:~~

~~(g) Treatment limitations include limits on the frequency of treatment, number of visits, days of coverage or other similar limits on the scope or duration of treatment.~~

~~(h) There shall be no coverage under the provisions of this section for any assessment against any person required by a diversion agreement or by order of a court to attend an alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, or for evaluations and diagnostic tests ordered or requested in connection with criminal actions, divorce, child custody or child visitation proceedings.~~

~~(i) Utilization review for mental illness shall be consistent with provisions in K.S.A. 40-22a01 through 40-22a12, and amendments thereto.~~

Sec. 9. On and after November 1, 2009, K.S.A. 2008 Supp. 40-2258 is hereby amended to read as follows: 40-2258. (a) An accident and sickness insurer which offers coverage through a group policy or certificate of coverage providing hospital, medical or surgical expense benefits pursuant to K.S.A. 40-2209, and amendments thereto, which includes mental ~~health~~ illness or alcoholism, drug abuse or other substance use disorder benefits shall be subject to the following requirements:

(1) If the policy does not include an aggregate lifetime limit on substantially all hospital, medical and surgical expense benefits, the policy may not impose any aggregate lifetime limit on mental ~~health~~ illness or alcoholism, drug abuse or other substance use disorder benefits;

(2) if the policy includes an aggregate lifetime limit on substantially all hospital, medical and surgical expense benefits the plan shall either: (A) Apply the applicable lifetime limit both to the hospital, medical and surgical expense benefits to which it otherwise would apply and to mental ~~health~~ illness or alcoholism, drug abuse or other substance use disorder benefits and not distinguished in the application of such limit between such hospital, medical and surgical expense benefits and mental ~~health~~ illness or alcoholism, drug abuse or other substance use disorder benefits; or (B) not include any aggregate lifetime limit on mental ~~health~~ illness or alcoholism, drug abuse or other substance use disorder benefits that is less than the applicable lifetime limit on hospital, medical and surgical expense benefits;

(3) if the policy does not include an annual limit on substantially all hospital, medical and surgical expense benefits, the plan or coverage may not impose any annual limit on mental ~~health~~ illness or alcoholism, drug abuse or other substance use disorder benefits; and

(4) if the policy includes an annual limit on substantially all hospital, medical and surgical expense benefits the policy shall either: (A) Apply the applicable annual limit both to hospital, medical and surgical expense benefits to which it otherwise would apply and to mental ~~health~~ illness or alcoholism, drug abuse or other substance use disorder benefits and not distinguish in the application of such limit between such hospital, medical and surgical expense benefits and mental ~~health~~ illness or alcoholism, drug abuse or other substance use disorder benefits; or (B) not include any annual limit on mental ~~health~~ illness or alcoholism,

drug abuse or other substance use disorder benefits that is less than the applicable annual limit.

(b) If the group policy providing hospital, medical or surgical expense benefits is not otherwise covered by subsection (a) and either does not apply a lifetime or annual benefit or applies different lifetime or annual benefits to different categories of hospital, medical and surgical expense benefits, the commissioner may adopt rules and regulations under which subsections (a)(2) and (a)(4) are applied to such policies with respect to mental ~~health~~ *illness or alcoholism, drug abuse or other substance use disorder* benefits by substituting for the applicable lifetime or annual limits an average limit that is computed taking into account the weighted average of the lifetime or annual limits applicable to such categories.

(c) Nothing in this section shall be construed as either:

(1) Requiring an accident and sickness policy to offer mental ~~health~~ *illness or alcoholism, drug abuse or other substance use disorder* benefits except as otherwise required by K.S.A. ~~40-2-105~~ *40-2,105a*, and amendments thereto; or

(2) affecting any terms and conditions of a policy which does include mental ~~health~~ *illness or alcoholism, drug abuse or other substance use disorder* benefits including provisions regarding cost sharing, limits on the number of visits or days of coverage, requirements relating to medical necessity, requirements relating to the amount, duration or scope of mental ~~health~~ *illness or alcoholism, drug abuse or other substance use disorder* benefits under the plan or coverage, except as specifically provided in subsection (a).

(d) This section shall not apply to any group accident and health insurance policy which is sold to a small employer as defined in K.S.A. 40-2209, and amendments thereto.

(e) This section shall not apply with respect to a group policy providing hospital, medical or surgical expense benefits if the application of this section will result in an increase in the cost under the plan of at least ~~1%~~ *2% in the case of the first plan year in which this section is applied and 1% in the case of each subsequent plan year. Determinations as to increases in actual costs under a plan shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American academy of actuaries. All such determinations shall be in a written report prepared by the actuary.*

(f) In the case of a group policy providing hospital, medical or surgical expense benefits that offers an eligible employee, member or dependent two or more benefit package options under the policy, subsections (a) and (b) shall be applied separately with respect to each such option.

(g) As used in this section:

(1) "Aggregate lifetime limit" means, with respect to benefits under a group policy providing hospital, medical or surgical expense benefits, a dollar limitation on the total amount that may be paid with respect to such benefits under the policy with respect to an eligible employee, member or dependent;

(2) "annual limit" means, with respect to benefits under a group policy providing hospital, medical or surgical expense benefits, a dollar limitation on the total amount of benefits that may be paid with respect to such benefits in a 12-month period under the policy with respect to an eligible employee, member or dependent;

(3) "hospital, medical or surgical expense benefits" means benefits with respect to hospital, medical or surgical services, as defined under the terms of the policy, ~~but does not include mental health benefits;~~

(4) "mental ~~health~~ *illness* benefits" means benefits with respect to mental health services, as defined under the terms of the policy, ~~but does not include benefits with respect to treatment of substance abuse or chemical dependency;~~

(5) "*alcoholism, drug abuse or substance use disorder benefits*" means benefits with respect to services for the treatment of alcoholism, drug abuse or other substance use disorders, as defined under the terms of the policy;

(6) "*mental illness, alcoholism, drug abuse or substance use*" means disorders specified in the diagnostic and statistical manual of mental disorders, fourth edition, (DSM-IV, 1994) of the American psychiatric association.

(h) This section shall be effective for group policies providing hospital, medical or surgical expense benefits which are entered into or renewed after January 1, 1998. ~~This section shall not apply to benefits for services furnished on or after December 31, 2008;~~

(i) The commissioner is hereby authorized to adopt such rules and regulations as may be necessary to carry out the provisions of this section.”;

And by renumbering sections accordingly;

On page 36, in line 39, by striking “insurance carrier” and inserting “employer”;

On page 42, in line 41, by striking “insurance carrier” and inserting “employer”;

On page 45, by striking all in lines 22 through 24 and inserting the following:

“Sec. 12. K.S.A. 16-1803 and K.S.A. 2008 Supp. 40-2,105, 40-2,105a, 40-2209 and 40-3209 are hereby repealed.”;

On page 1, in the title, by striking all in lines 12 through 16 and inserting the following: “AN ACT relating to insurance; concerning the regulation thereof; amending K.S.A. 16-1803 and K.S.A. 2008 Supp. 40-2,105, 40-2,105a, 40-2209, 40-2258 and 40-3209 and repealing the existing 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

DALE SWENSON

Conferees on part of House

On motion of Rep. Peck, the conference committee report on **HB 2214** 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, Benlon, 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, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, O’Brien, O’Neal, Olson, Otto, Palmer, Paton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Sawyer, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Knox, Neufeld, Peck, Schroeder.

Present but not voting: None.

Absent or not voting: Bethell, George, Grange, Hawk, Rardin, Schwab.

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 **SB 33**.

Also, the President announced the appointment of Senator Francisco as a member of the conference committee on **S. Sub. for HB 2115** to replace Senator Lee.

Also, the Senate adopts conference committee report on **SB 41**.

The Senate concurs in House amendments to **SB 336**.

CONSIDERATION OF VETOED BILLS

The Governor’s objection to **S. Sub. for Sub. HB 2014** having been read April 29 (see HJ, pp. 660-661), the time arrived for reconsideration of **S. Sub. for Sub. HB 2014**, An act concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 19-101a, 55-1,117, 65-3012 and 66-104d and

K.S.A. 2008 Supp. 65-3005, 65-3008a, 66-1,184, 74-99d07 and 74-99d14 and repealing the existing sections; also repealing K.S.A. 19-101m.

There was no motion to reconsider. The Chair ruled the bill had been reconsidered and the veto sustained.

CONSIDERATION OF VETOED BILLS

The Governor's objection to **HB 2121** having been read April 29 (see HJ, pp. 663-664), the time arrived for reconsideration of **HB 2121**, An act concerning agriculture; relating to pesticide and fertilizer programs; fees; fees for milk and dairy products; amending K.S.A. 2-2203, 2-2205, 2-2206, 2-2207, 2-2209, 2-2214, 2-2440a, 2-2440c, 2-2440e, 2-2446, 2-2449, 2-2450, 2-2454, 2-2455, 2-2470 and 2-2471 and K.S.A. 2008 Supp. 2-1205, 2-2202, 2-2204, 2-2438a, 2-2440, 2-2440b, 2-2441a, 2-2443a, 2-2445a, 2-2469, 2-2905, 2-2906, 2-3304, 2-3306, 2-3309, 65-778 and 65-781 and repealing the existing sections; also repealing K.S.A. 2-1211 and 2-2466.

There was no motion to reconsider. The Chair ruled the bill had been reconsidered and the veto sustained.

CONSIDERATION OF VETOED BILLS

The Governor's objection to **HB 2172** having been read April 29 (see HJ, p. 664), the time arrived for reconsideration of **HB 2172**, An act concerning sales taxation; relating to cash rebates on sales or leases of new motor vehicles; exemptions amending K.S.A. 2008 Supp. 79-3602, 79- 3603 and 79-3606 and repealing the existing sections.

There was no motion to reconsider. The Chair ruled the bill had been reconsidered and the veto sustained.

CONSIDERATION OF VETOED BILLS

The Governor's line item objections to **S. Sub. for HB 2354** having been read April 29 (see HJ, pp. 661-663), the time arrived for reconsideration of **S. Sub. for HB 2354**, An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012 and June 30, 2013, and June 30, 2014, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending section 3 of chapter 159 of the 2008 Session Laws of Kansas, section 95 of 2009 House Substitute for Substitute for Senate Bill No. 23 and K.S.A. 2008 Supp. 2-223, 12-5256, 55-193, 75-6702, 76-7,107, 79-2959, 79-2964, 79-2978, as amended by section 88 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-2979, as amended by section 89 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79- 3425i, 79-4801 and 82a-953a and repealing the existing sections.

There was no motion to reconsider the line items. The Chair ruled the line items had been reconsidered and the veto sustained.

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

Speaker O'Neal called the House to order.

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 84**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and Mr. Speaker: Your committee on conference on House amendments to **SB 84**, 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, by striking all in lines 17 through 43;

On page 2, by striking all in lines 1 through 22; following line 22, by inserting:

“Section 1. K.S.A. 2008 Supp. 10-1116a is hereby amended to read as follows: 10-1116a. The limitations on expenditures imposed under the cash-basis law shall not apply to:

(a) Expenditures in excess of current revenues made for municipally owned and operated utilities out of the fund of such utilities caused by, or resulting from the meeting of, extraordinary emergencies including drought emergencies. In such cases expenditures in excess of current revenues may be made by declaring an extraordinary emergency by resolution adopted by the governing body and such resolution shall be published at least once in a newspaper of general circulation in such city. Thereupon, such governing body may issue interest bearing no-fund warrants on such utility fund in an amount, including outstanding previously issued no-fund warrants, not to exceed 25% of the revenues from sales of service of such utility for the preceding year. Such warrants shall be redeemed within three years from date of issuance and shall bear interest at a rate of not to exceed the maximum rate of interest prescribed by K.S.A. 10-1009, and amendments thereto. Upon the declaration of a drought emergency, the governing body may issue such warrants for water system improvement purposes in an amount not to exceed 50% of the revenue received from the sale of water for the preceding year. Such warrants shall be redeemed within five years from the date of issuance and shall bear interest at a rate not to exceed the maximum rate of interest prescribed by K.S.A. 10-1009, and amendments thereto.

(b) Expenditures in any month by school districts which are in excess of current revenues if the deficit or shortage in revenues is caused by, or a result of, the payment of state aid after the date prescribed for the payment of state aid during such month under K.S.A. 72-6417 or 72-6434, and amendments thereto.

~~The provisions of this subsection shall apply to expenditures made in school year 2001-2002, school year 2002-2003, school year 2003-2004, school year 2004-2005, school year 2005-2006 and school year 2006-2007.~~

New Sec. 2. (a) (1) The provisions of this subsection shall apply in any school year in which the amount of base state aid per pupil is \$4,433 or less.

(2) The board of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the base state aid per pupil was \$4,433 or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(b) (1) The provisions of this subsection shall apply in any school year in which the amount appropriated for state aid for special education and related services is less than the amount appropriated for state aid for special education and related services in school year 2008-2009.

(2) The board of education of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the district received state aid for special education and related services equal to the amount of state aid for special education and related services received in school year 2008-2009, or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(c) The board of education of any school district may exercise the authority granted under subsection (a) or (b) or both subsections (a) and (b).

(d) To the extent that the provisions of K.S.A. 72-6433, and amendments thereto, conflict with this section, this section shall control.

(e) The provisions of this section shall expire on June 30, 2012.

Sec. 3. K.S.A. 2008 Supp. 72-6433 is hereby amended to read as follows: 72-6433. (a) As used in this section:

(1) “State prescribed percentage” means 31% of state financial aid of the district in the current school year.

(2) “Authorized to adopt a local option budget” means that a district has adopted a resolution under this section, has published the same, and either ~~that~~ the resolution was not

protested or ~~that~~ it was protested and an election was held by which the adoption of a local option budget was approved.

(b) In each school year, the board of any district may adopt a local option budget which does not exceed the state prescribed percentage.

(c) Subject to the limitation of subsection (b), in each school year, the board of any district may adopt, by resolution, a local option budget in an amount not to exceed:

(1) (A) The amount which the board was authorized to adopt in accordance with the provisions of this section in effect prior to its amendment by this act; plus

(B) the amount which the board was authorized to adopt pursuant to any resolution currently in effect; plus

(C) the amount which the board was authorized to adopt pursuant to K.S.A. 72-6444, and amendments thereto, if applicable to the district; or

(2) the state-wide average for the preceding school year as determined by the state board pursuant to subsection (j).

Except as provided by subsection (e), the adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(d) If the board of a district desires to increase its local option budget authority above the amount authorized under subsection (c) or if the board was not authorized to adopt a local option budget in 2006-2007, the board may adopt, by resolution, such budget in an amount not to exceed the state prescribed percentage. The adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. The resolution shall be published at least once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. _____, _____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year in an amount not to exceed _____% of the amount of state financial aid. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

~~This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, County, Kansas, on the day of _____, _____.~~

Clerk of the board of education.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of unified School District No. _____, _____ County, Kansas, on the _____ day of _____, _____.

Clerk of the board of education.

All of the blanks in the resolution shall be filled as is appropriate. If a sufficient petition is not filed, the board may adopt a local option budget. If a sufficient petition is filed, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto. If the board fails to notify the county election officer within 30 days

after a sufficient petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(e) Any resolution authorizing the adoption of a local option budget in excess of 30% of the state financial aid of the district in the current school year shall not become effective unless such resolution 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.

(f) Unless specifically stated otherwise in the resolution, the authority to adopt a local option budget shall be continuous and permanent. The board of any district which is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt a budget in an amount less than the amount authorized. If the board of any district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget.

(g) The board of any district may initiate procedures to renew or increase the authority to adopt a local option budget at any time during a school year after the tax levied pursuant to K.S.A. 72-6435, and amendments thereto, is certified to the county clerk under any existing authorization.

(h) The board of any district that is authorized to adopt a local option budget prior to the effective date of this act under a resolution which authorized the adoption of such budget in accordance with the provisions of this section in effect prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

(i) Any resolution adopted pursuant to this section may revoke or repeal any resolution previously adopted by the board. If the resolution does not revoke or repeal previously adopted resolutions, all resolutions which are in effect shall expire on the same date. The maximum amount of the local option budget of a school district under all resolutions in effect shall not exceed the state prescribed percentage in any school year.

(j) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under paragraph (3) and subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to any program weighted fund or categorical fund of the district. Amounts in the supplemental general fund attributable to any percentage over 25% of state financial aid determined for the current school year may be transferred to the capital improvements fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

(3) Amounts in the supplemental general fund may not be expended for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) (A) Except as provided in paragraph (B), any unexpended budget remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be maintained in such fund.

(B) If the district received supplemental general state aid in the school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the unexpended budget remaining by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district or remitted to

the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(k) Each year the state board of education shall determine the statewide average percentage of local option budgets legally adopted by school districts for the preceding school year.

(l) The provisions of this section shall be subject to the provisions of section 2, and amendments thereto.

Sec. 4. K.S.A. 2008 Supp. 10-1116a, 72-6433 and 72-6433c are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, by striking all in lines 12, 13 and 14; following line 14, by inserting: “AN ACT concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 10-1116a and 72-6433 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 72-6433c.”;

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

CLAY AURAND

DEENA HORST

VALDENIA C. WINN

Conferees on part of House

JEAN KURTIS SCHODORF

JOHN VRATIL

ANTHONY HENSLEY

Conferees on part of Senate

On motion of Rep. Aurand, the conference committee report on **SB 84** was adopted.

On roll call, the vote was: Yeas 112; Nays 6; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Benlon, Bowers, Brookens, 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, Goico, Gordon, Goyle, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, 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, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Ruiz, Sawyer, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Crow, Donohoe, Kelley, Patton, Peck.

Present but not voting: None.

Absent or not voting: Bethell, George, Grange, Hawk, Rardin, Roth, 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 **H. Sub. for SB 168**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 168**, 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. 168, as follows:

On page 1, in line 25, by striking “Among” and inserting “Except as otherwise provided by this section, among”; in line 36, after the period, by inserting: “The priority of payment prescribed by this section shall be subject to all applicable requirements, limitations or

restrictions under federal or state law, including, but not limited to, the federal American recovery and reinvestment act of 2009, and shall be subject to all applicable requirements, limitations or restrictions prescribed by contracts and other agreements authorized by law, including, but not limited to, debt service payments pursuant to contractual bond obligations, as determined by the secretary of administration, after conferring with the director of the budget.”;

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

JASON WATKINS
KASHA KELLEY
TOM BURROUGHS

Conferees on part of House

JAY SCOTT EMLER
JOHN VRATIL
ANTHONY HENSLEY

Conferees on part of Senate

On motion of Rep. Watkins, the conference committee report on **H. Sub. for SB 168** was adopted.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Benlon, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colleton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Ruiz, Sawyer, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, George, Grange, Hawk, Rardin, Roth, Schwab.

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

Speaker O'Neal called the House to order.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 84**.

The Senate adopts conference committee report on **H. Sub. for SB 168**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2072**, 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. 2072, as follows:

On page 2, in line 10, by striking “2009” and inserting “2006”; also in line 10, before “em-” by inserting “first”; in line 14, by striking “March” and inserting “April”; in line 25, by striking all after “paid”; in line 26, by striking “thereafter,”; in line 27, by striking “\$25,000” and inserting “\$20,000”; in line 30, by striking “March” and inserting “April”;

On page 3, in line 9, by striking “March” and inserting “April”; in line 32, by striking all after “paid”; in line 33, by striking all before “an”; in line 35, by striking “\$25,000” and inserting “\$20,000”;

On page 5, in line 11, after "(l)" by inserting "of K.S.A. 74-4914, and amendments thereto,"; in line 12, after "(4)" by inserting "of K.S.A. 74-4914, and amendments thereto,"; in line 14, by striking "and K.A.R."; in line 15, by striking "91-1-203"; also in line 15, after "thereto" by inserting ", or other provision of law"; in line 16, after "(4)" by inserting "of K.S.A. 74-4914, and amendments thereto,"; in line 20, after "participation" by inserting "or employed by a third-party entity who contracts services with a school district to fill a position as described in this subsection"; in line 23, by striking all after "plus"; by striking all in lines 24 and 25; in line 26, by striking all before "Nothing" and inserting "8%. The provisions of this subsection shall not apply to retirants employed as substitute teachers. The provisions of subsection (5) of K.S.A. 74-4914, and amendments thereto, shall be applicable to retirants employed as described in this subsection, except as specifically provided in this subsection.";

On page 7, in line 38, by striking all after "(10)"; by striking all in lines 39 through 43;

On page 8, by striking all in lines 1 through 4; in line 5, by striking "(11)"; in line 10, by striking "(12)" and inserting "(11)"; in line 24, by striking "(13)" and inserting "(12)"; in line 26, by striking "(14)" and inserting "(13)"; in line 31, by striking "(15)" and inserting "(14)"; in line 35, by striking "(16)" and inserting "(15)"; by striking all in lines 39 through 43;

By striking all on page 9;

On page 10, by striking all in lines 1 through 19 and inserting the following:

"New Sec. 4. Any member of the Kansas public employees retirement system may purchase up to two years of participating service credit for service as approved, directly related journeyman experience above the apprenticeship as required by K.A.R. 91-1-39 prior to the revocation of such regulation on June 30, 2003, for day trade, personal service and public service teachers which commenced on or after January 1, 1962. Such purchase of participating service credit shall be made in accordance with the provisions of K.S.A. 74-49,123, and amendments thereto. The benefit for each such period of service purchased by the member shall be equal to 1.75% of the final average salary of any such member. Such member may purchase such participating service credit by submitting proof of such service acceptable to the board of trustees and by making application therefor prior to the date of retirement of such member for such purchase and to have such member's employee contributions deducted from such member's compensation at an additional rate of contribution, in addition to the employee's rate of contribution as provided in K.S.A. 74-4919, and amendments thereto, based upon the member's attained age at the time of purchase and using actuarial assumptions and tables in use by the retirement system at such time of purchase for such periods of service. Such additional rate of contribution shall commence at the beginning of the quarter following the date upon which such member made application for such purchase and shall remain in effect until all of the full quarters of such service have been purchased. In lieu of the deduction of employee contributions as provided in this section, any such member may purchase such participating service credit by means of a single lump-sum payment in an amount equal to the then present value of benefits being purchased as determined by the actuary using the member's attained age at the time of purchase, annual compensation at the time of purchase and the actuarial assumptions and tables currently in use by the system. The lump-sum payment shall be made immediately upon being notified of the amount due under this purchase method. The provisions of this section shall be part of and supplemental to the provisions of K.S.A. 74-4901 et seq., and amendments thereto.

Sec. 5. K.S.A. 2008 Supp. 74-4920 is hereby amended to read as follows: 74-4920. (1) (a) Upon the basis of each annual actuarial valuation and appraisal as provided for in subsection (3)(a) of K.S.A. 74-4908 and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution which will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities which shall exist or accrue under the system, including amortization of the actuarial accrued liability as determined by the board. The board shall determine the actuarial cost method to be used in annual actuarial valuations, to determine the employer contribution rates that shall be certified by the board. Such certified rate of contribution, amortization methods and periods and actuarial cost method shall be based on the standards set forth in subsection (3)(a) of

K.S.A. 74-4908 and amendments thereto and shall not be based on any other purpose outside of the needs of the system.

(b) (i) For employers affiliating on and after January 1, 1999, upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908 and amendments thereto, the board shall certify, on or before July 15 of each year to each such employer an actuarially determined estimate of the rate of contribution which shall be required to be paid by each such employer to pay all of the liabilities which shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be termed the employer's participating service contribution and shall be uniform for all participating employers. Such additional liability shall be amortized as determined by the board. For all participating employers described in this section, the board shall determine the actuarial cost method to be used in annual actuarial valuations to determine the employer contribution rates that shall be certified by the board.

(ii) The board shall determine for each such employer separately an amount sufficient to amortize all liabilities for prior service costs which shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each such employer separately an actuarially determined estimate of the rate of contribution which shall be required to be paid by that employer to pay all of the liabilities for such prior service costs. Such rate shall be termed the employer's prior service contribution.

(2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation.

(3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each political subdivision, other than an instrumentality of the state, which is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774 and amendments thereto by cities located in the county, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102 and amendments thereto. Each participating employer which is not by law authorized to levy taxes as described above, but which prepares a budget for its expenses for the ensuing year and presents the same to a governing body which is authorized by law to levy taxes as described above, may include in its budget an amount sufficient to make its contributions under this act which may be in addition to all other taxes authorized by law. Such governing body to which the budget is submitted for approval, may levy a tax sufficient to allow the participating employer to make its contributions under this act, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act.

(5) (a) The rate of contribution certified to a participating employer as provided in this section shall apply during the fiscal year of the participating employer which begins in the second calendar year following the year of the actuarial valuation.

(b) (i) Except as specifically provided in this section, for fiscal years commencing in calendar year 1996 and in each subsequent calendar year, the rate of contribution certified to the state of Kansas shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than 0.2% of the amount of compensation upon which members contribute during the period.

(ii) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to the state of Kansas and to the participating employers under K.S.A. 74-4931, and amendments thereto shall in no event

exceed the state's contribution rate for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar year 2005, an amount not to exceed more than 0.4% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2006, an amount not to exceed more than 0.5% of the amount of the immediately preceding fiscal year; and (C) for the fiscal year commencing in calendar year 2007 and in each subsequent calendar year, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year.

(iii) Except as specifically provided in this section, for fiscal years commencing in calendar year 1997 and in each subsequent calendar year, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed such participating employer's contribution rate for the immediately preceding fiscal year by more than 0.15% of the amount of compensation upon which members contribute during the period.

(iv) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed the contribution rate for such employers for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar year 2006, an amount not to exceed more than 0.4% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2007, an amount not to exceed more than 0.5% of the amount of the immediately preceding fiscal year; and (C) for the fiscal year commencing in calendar year 2008 and in each subsequent calendar year, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year.

(v) As part of the annual actuarial valuation, there shall be a separate employer rate of contribution calculated for the state of Kansas, a separate employer rate of contribution calculated for participating employers under K.S.A. 74-4931 and amendments thereto, a combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, and a separate employer rate of contribution calculated for all other participating employers.

(vi) There shall be a ~~separate~~ *combined* employer rate of contribution certified to the state of Kansas. ~~There shall be a separate employer rate of contribution certified to and~~ participating employers under K.S.A. 74-4931, and amendments thereto. There shall be a separate employer rate of contribution certified to all other participating employers.

(vii) If the combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, is greater than the separate employer rate of contribution for the state of Kansas, the difference in the two rates applied to the actual payroll of the state of Kansas for the applicable fiscal year shall be calculated. This amount shall be certified by the board ~~as additional employer contributions for the participating employers under K.S.A. 74-4931, and amendments thereto, to the division of budget and governor who shall include in the budget each year thereafter~~ provisions for the transfer from the state general fund of sufficient sums to satisfy this obligation. ~~This amount shall be distributed through the same procedure as followed for the employer contribution payments under K.S.A. 74-4930 and K.S.A. 74-4930a, and amendments thereto, and then remitted by the participating employers to the Kansas public employees retirement system~~ for deposit as additional employer contributions to the retirement benefit accumulation reserve for the participating employers under K.S.A. 74-4931, and amendments thereto.

(6) The actuarial cost of any legislation enacted in the 1994 session of the Kansas legislature will be included in the June 30, 1994, actuarial valuation in determining contribution rates for participating employers.

(7) The actuarial cost of the provisions of K.S.A. 74-4950i will be included in the June 30, 1998, actuarial valuation in determining contribution rates for participating employers. The actuarial accrued liability incurred for the provisions of K.S.A. 74-4950i shall be amortized over 15 years.

(8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature, except the actuarial cost of K.S.A. 74-49,114a, and amendments thereto, shall be in addition to the employer contribution rates certified for the employer contribution rate in the fiscal year immediately following such enactment.

(9) Notwithstanding the provisions of subsection (8), the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto shall be first reflected in employer contribution rates effective with the first day of the first payroll period for the fiscal year 2005. The actuarial accrued liability incurred for the provisions of K.S.A. 74-49,109 et seq., and amendments thereto shall be amortized over 10 years.

(10) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 2008 Supp. 74-49,114b, and amendments thereto, for retirants other than local retirants as described in subsection (11) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2007.

(11) The actuarial accrued liability incurred for the provisions of K.S.A. 2008 Supp. 74-49,114b, and amendments thereto, for the KPERS local group and retirants who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(12) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 2008 Supp. 74-49,114c, and amendments thereto, for retirants other than local retirants as described in subsection (13) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2008.

(13) The actuarial accrued liability incurred for the provisions of K.S.A. 2008 Supp. 74-49,114c, and amendments thereto, for the KPERS local group and retirants who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(14) The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912 and amendments thereto at rates different from the rate fixed for employers joining within one year of the first entry date.

(15) For employers affiliating on and after January 1, 1999, the rates of contribution certified to the participating employer as provided in this section shall apply during the fiscal year immediately following such certification, but the rate of contribution during the first year following the employer's entry date shall be equal to 7% of the amount of compensation on which members contribute during the year. Any amount of such first year's contribution which may be in excess of the necessary current service contribution shall be credited by the board to the respective employer's prior service liability.

(16) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

(17) Notwithstanding any provision of law to the contrary, each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive director for credit to the Kansas public employees retirement fund within three days after the end of the period covered by the remittance by electronic funds transfer. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection shall be subject to interest at the rate established for interest on judgments under subsection (a) of K.S.A. 16-204 and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.;

And by renumbering sections accordingly;

Also on page 10, in line 20, after "74-4914" by inserting ", 74-4920";

On page 1, in the title, in line 11, by striking "membership election,;" in line 12, by striking all before "amending" and by inserting "purchase of service credit; state and school employer contribution rate,;" in line 13, after "74-4914" by inserting ", 74-4920";

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

JOHN VRATIL
CAROLYN MCGINN
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 2072** was adopted.

On roll call, the vote was: Yeas 116; Nays 0; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Ballard, Benlon, 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, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, 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, Rhoades, Ruiz, Sawyer, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, George, Grange, Hawk, Peterson, Rardin, Roth, Schwab, Whitham.

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

Speaker O'Neal called the House to order.

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 **H. Sub. for SB 51**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 51**, 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. 51, as follows:

On page 2, in line 13, by striking "three" and inserting "four"; in lines 29, 37 and 39 by striking "1½" and inserting "two"; in line 34, by striking "shall" and inserting "may"; also in line 34, by striking "land-"; in line 35, by striking "owner" and inserting "prevailing party";

On page 3, in line 19, by striking "three" and inserting "four";

On page 4, in line 17, by striking "shall" and inserting "may"; in line 18, by striking "landowner" and inserting "prevailing party";

On page 5, by striking lines 13 through 18; after line 22, by inserting the following:

"(j) "Municipal services" include police, fire, emergency medical services, park and recreation services, planning, zoning and code enforcement services, water, sewer, storm water drainage, gas, electric or other utility services, street and bridge maintenance and repair,

street light maintenance and repair, and any other municipal service that a city may provide to its residents.

(k) "Municipal infrastructure" includes the construction or reconstruction of municipal buildings, parks, roads, bridges, curbs, gutters, sidewalks, crosswalks, drainage works, water facilities, sewer facilities, storm water drainage facilities, gas, electric or other city utility facilities, parking facilities or other infrastructure facilities owned by the city and used to provide municipal services to its residents.;"

On page 6, in line 21, by striking "21" and inserting "more than 65"; also in line 21, by striking "or more";

On page 8, by striking lines 28 through 43;

On page 9, by striking lines 10 through 43;

On page 10, by striking all in lines 1 through 14 and inserting the following:

"Sec. 6. K.S.A. 2008 Supp. 12-520 is hereby amended to read as follows: 12-520. (a) Except as hereinafter provided, the governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

(1) The land is platted, and some part of the land adjoins the city.

(2) The land is owned by or held in trust for the city or any agency thereof.

(3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city except that no city may annex land owned by a county without the express permission of the board of county commissioners of the county other than as provided in subsection (f).

(4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.

(5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.

(6) The tract is so situated that $\frac{2}{3}$ of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.

(7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.

(c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A 19-2753 et seq., and amendments thereto, or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.

(d) Subject to the provisions of this section and subsection (e) of K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant to this section, any fire district or any land within such fire district.

(e) Whenever any city annexes any land under the authority of paragraph 2 of subsection (a) which does not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.

(f) No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding. The board of county commissioners may notify the city of the existence of any highway which has not become part of the city by annexation and which has a common boundary with the city. The notification shall include a legal description and a map identifying the location of the highway. The governing body of the city shall certify by ordinance that the certification is correct and declare the highway, or portion of the highway extending to the center line where another city boundary line abuts the opposing side of the highway, annexed to the city as of the date of the publication of the ordinance.

(g) The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

(h) No city may utilize any provision of this section from and after July 1, 2009, to annex a narrow corridor of land to gain access to noncontiguous tracts of land. The corridor of land must have a tangible value and purpose other than for enhancing future annexations of land by the city.

New Sec. 7. Any city which annexes an area of land under provisions of K.S.A. 12-520 through 12-521, and amendments thereto, shall spend all the proceeds from the ad valorem taxes levied against such land for a period of one year from the date of annexation to provide municipal infrastructure and municipal services, other than police and fire services, to such area. A report documenting the amount of money raised by ad valorem taxes in such area and the amount of money spent in such area shall be made available for public inspection in the city clerk's office.

New Sec. 8. Not less than 60 days before the effective date of any ordinance annexing land into the boundaries of any city:

(a) The city shall give written notice to any rural water district organized pursuant to K.S.A. 82a-612 et seq., and amendments thereto, in whose territory the land or any portion thereof is located of the city's intent to annex such land; and

(b) the notice shall contain the description of the land to be annexed and the city's plan for the provision of water service to the land being annexed.

New Sec. 9. Following annexation of rural water district territory by a city, the city and the district may contract for the district to provide water service to all or certain portions of the annexed area. If the agreement includes a provision for the payment of a franchise fee to the city, such agreement shall be subject to the provisions of K.S.A. 12-2001 et seq., and amendments thereto.

New Sec. 10. (a) Following annexation, the rural water district shall remain the water service provider to the annexed area unless the city gives written notice designating a different supplier. If the city designates a different supplier, the city shall purchase the property, facilities, improvements and going concern value of the facilities of the district located within the territory annexed by the city. If an agreement for the purchase of such property, facilities, improvements and going concern value of the facilities of the district annexed by the city is not executed within 90 days after delivery of the notice designating a different supplier, the city and the rural water district in good faith shall engage in mediation. Unless an agreement is executed, no change in water service provider shall occur and no appraisers shall be appointed until more than 120 days after delivery of the notice of intent to change the water supplier and the mediation has been terminated.

(b) If the district and the city are unable to reach agreement on the reasonable value for such property, facilities, improvements and going concern value of the facilities of the district, then the reasonable value shall be determined in the following manner:

(1) The district and the city shall each select one qualified appraiser and the two appraisers so selected shall then select a third appraiser for the purpose of conducting an appraisal to determine reasonable value of the property, facilities, improvements and going concern value of the facilities of the district annexed by the city. The appraisers shall consider all elements of value, employing any method of valuation the appraisers deem appropriate and shall specifically consider the following factors in determining reasonable value:

(A) Whether any property of the district is rendered useless or valueless to the district;

(B) the amount of damage to property remaining in the ownership of the district following annexation;

(C) impact on the existing indebtedness of the district and such district's ability to repay that debt;

(D) the value of the service facilities of the district located within the area in question;

(E) the amount of any expenditures for planning, design or construction of service facilities outside the incorporated or annexed area that are allocable to service to the area in question;

(F) the amount of the district's contractual obligations allocable to the area in question;
 (G) any demonstrated impairment of service or increase of cost to consumers of the district remaining after the annexation and the impact on future revenues lost from existing customers;

(H) any necessary and reasonable legal expenses and professional fees;

(I) any factors relevant to maintaining the current financial integrity of the district;

(J) the average increase in the number of benefit units in the area annexed for the three years immediately preceding such annexation; and

(K) any other relevant factors as agreed to by the three appointed appraisers.

(2) The appraisers shall hear such evidence as the appraisers deem appropriate and shall make a written summary of findings and conclusions. The agreement or decision of at least two of the three appraisers shall be the fair market value presented to the city for payment and the district for acceptance.

(3) If either the district or the city is dissatisfied with the decision of the appraisers, then the district or the city may appeal within 30 days such award to the district court. Such appeal shall be heard *de novo* by the court without a jury.

(c) The compensation required by this section shall be paid to the district whether or not the city actually utilizes the facilities of the district for the delivery of water to property within the city and shall be paid at a time not later than 120 days following the date upon which the fair market value of the facilities are certified to the city and to the district, or at such later date as may be mutually agreed upon by the city and the district or as may be determined by the district court.

(d) In any event, the district may elect to retain facilities located within the city used for transmission of water, provided that the district use those facilities to continue to supply water service to benefit units outside the city. The district shall not receive compensation for facilities it elects to retain.

(e) Except as otherwise provided, nothing in this section shall be construed as limiting the authority of a city to select water service suppliers to areas within the city limits, or to limit the authority of a city to adopt and enforce regulations for the operation of a water service supplier, including, but not limited to, standards of water quality, classification of water customers, capacity of water system, water system connections to sanitary sewer systems, rates and billing practices and other regulations for protection of the public health, safety and welfare.

(f) In the event that a district will no longer be the water supplier to land as a result of annexation and notice pursuant to subsection (a), the district shall continue to provide such service until the city gives notice of its assumption of responsibility for service, designating the date that the service shall transfer to the supplier designated by the city. The district and the city shall cooperate as necessary to minimize the inconvenience to water customers as a result of the transfer. The city shall give written notice to each customer of the district for whom water service is being transferred specifying the name and address of the new supplier, the effective date of the transfer, the reason for the transfer and a schedule of applicable rates. The district shall not discontinue or limit service to customers who were supplied water by the district at the time of annexation during the period of negotiations unless such customer has violated district bylaws or rules and regulations.

(g) Following the transfer of water service from the district to the city, the annexed land, or amount of such land for which water service has been transferred to the city, shall be deleted from the territory of the district and all benefit units attached to land located therein shall be canceled without compensation. Notice of such deletion of territory shall be provided to the county clerk and the chief engineer of the division of water resources of the department of agriculture.

Sec. 11. K.S.A. 2008 Supp. 82a-612 is hereby amended to read as follows: 82a-612. As used in this act, unless the context clearly requires otherwise:

(a) "District" means a rural water district organized pursuant to this act;

(b) "board" means the governing body of a district;

(c) the terms "board of county commissioners" and "county clerk" shall mean, respectively, the board of county commissioners and county clerk of the county in which the greatest portion of the territory of any existing or proposed rural water district is located;

(d) “participating member” means an individual, firm, partnership, association or corporation which owns land located within a district and:

- (1) Which has subscribed to one or more benefit units of such district; or
- (2) *which is charged a franchise fee for water service which is paid, either directly or indirectly through another water provider, to such district;*
- (e) “chief engineer” means the chief engineer of the division of water resources, Kansas department of agriculture.

Sec. 12. K.S.A. 2008 Supp. 82a-646 is hereby amended to read as follows: 82a-646. (a) Terms used in this section shall have the meanings provided by K.S.A. 82a-612, and amendments thereto.

(b) If certain lands included within a district cannot be economically or adequately served by the facilities of the district, the owners of such lands may petition the board of directors of the district to release those lands from the district. The petition shall describe the lands requested to be released and shall be signed by at least 75% of the total number of the owners of the lands requested to be released. The board of directors may prescribe a fee to be collected from the petitioners for the purpose of offsetting costs reasonably expected to be incurred by the district in hearing the request for release. The petition for release, together with a verified list of the names and addresses of all owners of the land requested to be released, and the prescribed fee, shall be filed with the secretary of the district.

(c) If the board of directors of the district finds the petition to be in proper form, the board shall conduct a hearing on the petition for release. Notice of the time and place of the hearing shall be mailed to all owners of land requested to be released not later than 10 days before the hearing. The hearing may be continued from time to time without further notice to landowners.

(d) ~~In considering the petition for release, the board shall consider whether the lands requested to be released cannot be economically or adequately served by the facilities of the district and whether the release would be in the best interests of the landowners and the district, based on the following factors: make specific written findings of fact and conclusions determining whether the lands requested to be released cannot be economically or adequately serviced by the facilities of the district and whether such release would be in the best interests of the landowner and the district. The findings and conclusions shall be based upon the preponderance of evidence presented to the board. In determining whether to grant the petition for release, the board's considerations shall be based on the following factors:~~

(1) Whether the petitioners for release of lands have applied for one or more benefit units to serve the lands requested to be released, which applications have been denied *directly or where the cost of the benefit units or service or equipment is unreasonable, excessive or confiscatory so as to render service unavailable;*

(2) the length of time before the board of directors reasonably expect to make water service available to the lands requested to be released;

(3) whether water service is available from another source if the lands are released from the district *and the relative cost of obtaining service from each source;*

(4) if water service is available from the district to the lands requested to be released, the relative cost of obtaining such water service, as determined by the district, compared to the additional value of the lands after water service is made available;

(5) if water service is available from the district, the cost of obtaining such water service, as determined by the district, compared to the cost of obtaining water from another source;

(6) whether any applicable law will prevent any other water suppliers from serving the lands requested to be released; ~~and~~

(7) whether the district's interest in maintaining the integrity of its territory is outweighed by the landowners' need to obtain a source of supply of water to the lands requested to be released;

(8) *whether the decision of such board to deny release of lands would allow the district to yield more than adequate compensation;*

(9) *whether the district establishes a rate for services or equipment that is disproportionate to the services rendered;*

(10) whether the district has provided water service to residents or landowners within the disputed territory and would be losing existing customers or whether the disputed territory would supply new customers;

(11) whether the district can provide a safe and adequate supply of water to customers of such district and whether a greater level of water service can be provided by another provider and the relative cost of each option;

(12) whether such board's refusal to detach the territory would result in any economic waste or hinder any economic development; and

(13) where a district provides water service to residences and where a city is required to provide fire protection services, if duplicate water service lines would cause any economic or physical waste.

(d) The board may approve the release of all or part of the lands requested to be released or may deny the request. The burden of proof shall be on the petitioners for release. The board of directors shall make a determination on the petition for release within 120 days after its receipt, shall record its *written findings and conclusions* in the minutes of the district and shall mail a copy of such *written findings and conclusions* to each petitioner within seven days.

(e) *Except as provided in subsection (f)*, any owner of land requested to be released from the district who is dissatisfied with the determination of the board of directors on the petition for release may bring an action in the district court of the county in which the district is located to determine if the board of directors of the district abused its discretion in making such determination. Such appeal shall be filed within 30 days after the final decision of the board.

(f) *If the district denies the landowner's petition for release because such release would not yield adequate compensation to the district, once such release is denied, the district and the landowner shall determine the amount of compensation sufficient to enable the district to be adequately compensated from the release in the following manner:*

(1) *The district and the landowner shall each select one qualified appraiser and the two appraisers so selected shall then select a third appraiser for the purpose of conducting an appraisal to determine the amount of compensation sufficient to enable the district to be adequately compensated from the release. The appraisers shall consider all elements of value, employing any method of valuation the appraisers deem appropriate and shall specifically consider the following factors in determining reasonable value:*

(A) *Whether any property of the district is rendered useless or valueless to the district;*

(B) *the impact on the existing indebtedness of the district and such district's ability to repay that debt;*

(C) *the value of the service facilities of the district located within the area in question;*

(D) *the amount of the district's contractual obligations allocable to the area in question;*

(E) *any demonstrated impairment of service or increase of cost to consumers of the district remaining after the release and the impact on future revenues lost from existing customers;*

(F) *any necessary and reasonable legal expenses and professional fees;*

(G) *any factors relevant to maintaining the current financial integrity of the district; and*

(H) *any other relevant factors.*

(2) *The appraisers shall hear such evidence as the appraisers deem appropriate and shall make a written summary of findings and conclusions. At least two of the three appraisers shall agree as to the amount of compensation owed by the landowner to the district and shall require such payment from the landowner to the district for acceptance.*

(3) *If either the district or the landowner is dissatisfied with the decision of the appraisers, then the district or the landowner may appeal within 30 days such award to the district court. Such appeal shall be heard de novo by the court without a jury.*

⊕ (g) If the board of directors of the district approves the petition, or if the district court on appeal determines that the board abused its discretion in denying release, a copy of the board's action approving the release or of the district court's order on appeal, as the case may be, shall be transmitted to the chief engineer and to the county clerk, who shall note the change of such district's boundaries.

New Sec. 13. The provisions of sections 8 through 10, and amendments thereto, shall be part of and supplemental to the Kansas rural water district act.

Sec. 14. K.S.A. 12-519, 12-520b, 12-521, 12-531, 12-532 and K.S.A. 2008 Supp. 12-520, 82a-612 and 82a-646 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 9, by striking all after “ACT”; by striking all in lines 10 and 11 and inserting “concerning local governments; relating to boundary issues; amending K.S.A. 12-519, 12-520b, 12-521, 12-531 and 12-532 and K.S.A. 2008 Supp. 12-520, 82a-612 and 82a-646 and repealing the existing sections.”;

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

SHARON SCHWARTZ
LANCE KINZER
JOSH SVATY
Conferees on part of House

CAROLYN MCGINN
JOHN VRATIL
MARCI FRANCISCO
Conferees on part of Senate

On motion of Rep. Schwartz, the conference committee report on **H. Sub. for SB 51** was adopted.

On roll call, the vote was: Yeas 81; Nays 31; Present but not voting: 1; Absent or not voting: 12.

Yeas: Aurand, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Finney, Flaharty, Frownfelter, Fund, S. Gatewood, Goico, Gordon, Goyle, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Light, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O’Brien, O’Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Sawyer, Schroeder, Schwartz, Seiwert, Siegfried, Svaty, Tafanelli, Trimmer, Vickrey, Ward, Watkins, Wetta, B. Wolf, Worley.

Nays: Ballard, Benlon, Burroughs, Carlin, Colloton, Crow, Davis, Feuerborn, Furtado, Garcia, D. Gatewood, Henderson, Huntington, Kleeb, Kuether, Loganbill, Long, Menghini, Neighbor, Quigley, Ruiz, Slattery, Spalding, Swanson, Swenson, Talia, Tietze, Williams, Winn, K. Wolf, Yoder.

Present but not voting: King.

Absent or not voting: Bethell, George, Grange, Hawk, Lane, Peterson, Rardin, Roth, Schwab, Shultz, Sloan, Whitham.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **HB 2195**.

REPORT OF STANDING COMMITTEE

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

Request No. 133, by Representative Bethell, congratulating Warren “Swanee” Johnson on his 88th birthday, May 27, 2009;

Request No. 134, by Representative Jack, commending Nick Pompeo in recognition for academic excellence and extraordinary service to the community;

Request No. 135, by Representatives Kerschen, Hawk and Carlin, congratulating the Kansas State University Soils Judging Team 2009 in recognition of winning first place in the 2009 National Championship Soils Judging Competition;

Request No. 136, by Representative McCray-Miller, commending present and past officers of the Just About Kids Organization;

Request No. 137, by Representative Jack, commending Matthew S. Gibson for his service to the community;

Request No. 138, by Representative Crow, commending Ethan Potter for 50 years of service to the Kansas Judicial System and the citizens of Leavenworth;

Request No. 139, by Representative O'Brien, congratulating Elmer and Anna Lea Tanking on their 50th Wedding Anniversary;

Request No. 140, by Representatives Menghini, Grant, Gatewood, Palmer and Williams, commending Dr. Tom Bryant, in recognition of his 39 years of service at Pittsburg State University;

Request No. 141, by Representatives Phelps and Johnson, congratulating Elouise Miller on her retirement from 60 years of teaching Kansas children with 53 years at Hays USD 489;

Request No. 142, by Representative Jack, commending Vicky Roper on her service and commitment to our children's early education;

Request No. 143, by Representative George, commending the ladies of COLG, on their many years of furnishing meals for those who have lost loved ones;

Request No. 144, by Representative Kiegerl, congratulating Dorothy S. Menefee on receiving the Governor's Scholarship Award;

Request No. 145, by Representative Kiegerl, congratulating Madeline P. Curry on receiving the Governor's Scholarship Award;

Request No. 146, by Representative Pottorff, congratulating Grace Presbyterian Church of Wichita, Kansas on its 100th anniversary;

Request No. 147, by Representative Morrison, congratulating the Goodland Kiwanis Club on their 60th Anniversary and their contributions to Goodland;

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.

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

Speaker O'Neal called the House to order.

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, to suspend the rules for the purpose of considering **HB 2283**, the motion did not prevail.

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

Speaker O'Neal called the House to order.

MESSAGE FROM THE SENATE

Announcing adoption of **SCR 1619**.

The Senate adopts conference committee report on **H. Sub. for SB 51**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, **SCR 1619**, A concurrent resolution relating to the 2009 regular session of the Legislature and providing for an adjournment thereof, was introduced and adopted.

REPORT ON ENGROSSED BILLS

S. Sub. for HB 2373 reported correctly engrossed May 8, 2009.

HB 2010 reported correctly re-engrossed May 8, 2009.

REPORT ON ENROLLED RESOLUTIONS

HR 6031, **HR 6032** reported correctly enrolled and properly signed on May 8, 2009.

Speaker O'Neal announced the House adjourned until 10:00 a.m., Thursday, June 4, 2009.

Journal of the House

SIXTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, June 4, 2009, 10:00 a.m.

The House met pursuant to **SCR 1619** with Speaker O'Neal in the chair.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
Today we lift up our hearts to you
at the close of another session.
Thank you for your faithfulness
in leading, guiding and directing us.
For some of us, there were decisions made
for which we celebrate,
for others, there were decisions made that
we still struggle about within.
This was an unusually rough session
because of these difficult times.
Perhaps the atmosphere got a little tense
as we worked out the differences and opposing views.
Please forgive us if ever we allowed
our discussions and debates to become personal.
Forgive us if we ever used our position
to advance our own personal ambitions
rather than to advance a better life for our citizens.
And now, as we have opportunity to
step away and take a break,
please give us a sense of renewal and rejuvenation.
Keep us safe as we travel throughout the state,
touching base with those whom we serve.
Bring us back next session with a new sense of
purpose and determination to seek out the vision
and plans You have for us and our state.
In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Roth.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolutions were referred to committees as indicated:

Appropriations: **SCR 1616**.

Transportation: **SCR 1618**.

MESSAGE FROM THE GOVERNOR

May 12, 2009

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

Enclosed herewith is Executive Directive No. 09-397 for your information.

EXECUTIVE DIRECTIVE No. 09-397
 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 GOVERNOR

S. Sub. for HB 2032; HB 2099, HB 2267, HB 2295 approved on May 15, 2009.

Also, **HB 2374** approved on May 19, 2009.

Also, **HB 2010, HB 2060; S. Sub. for HB 2072; HB 2158, HB 2162, HB 2214** approved on May 21, 2009.

Also, **S. Sub. for HB 2365; HB 2366, HB 2369** approved on May 22, 2009.

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **S. Sub. for HB 2373**. An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, and June 30, 2014, 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. 2008 Supp. 12-5256, as amended by section 136 of 2009 Senate Substitute for House Bill No. 2354, 76-7,107, as amended by section 139 of 2009 Senate Substitute for House Bill No. 2354, 79-2978, as amended by section 88 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-2979, as amended by section 89 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-3425i, as amended by section 144 of 2009 Senate Substitute for House Bill No. 2354, 79-34,156, as amended by section 91 of 2009 House Substitute for Substitute for Senate Bill No. 23, and 79-4801, as amended by section 145 of 2009 Senate Substitute for House Bill No. 2354, and repealing the existing sections; also repealing section 102 of 2009 Senate Substitute for House Bill No. 2354, 79-2978, as amended by section 142 of 2009 Senate Substitute for House Bill No. 2354, and 79-2979, as amended by section 143 of 2009 Senate Substitute for House Bill No. 2354, 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 hereby return **S. Sub. for HB 2373** with my signature approving the bill, except for the items enumerated below.

Department of Education—KPERs—School Employer Contributions

That portion of Section 36(a) that reads as follows has been line-item vetoed:

“For the fiscal year ending June 30, 2010 \$1,850,000”

This FY 2010 appropriation for the KPERs—School employer contribution was accounted for in the agency's lapse contained in Section 36(b). In order to appropriate only those monies absolutely necessary, I hereby line-item veto this appropriation.

Kansas State University

Section 70(c) has been line-item vetoed in its entirety:

Financing of the Salina Aeronautical Center located at Kansas State University's Salina Campus is a lease purchase agreement that is by its nature equivalent to a debt service agreement. The 2009 Legislature intended that funding of debt service should not be lapsed, and I concur with that intent. In that spirit, I therefore find it necessary to veto this lapse so that this obligation can be met.

Department of Health and Environment

Section 89 has been line-item vetoed in its entirety:

“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 am also concerned this proviso violates Title X of the Public Service Act. The facilities ineligible for funding under this proviso are, by law, eligible under Title X to receive the grants. The Public Service Act is clear that states are not permitted to refuse the award of Title X funding to entities that meet the statutory requirements for the grants. I therefore find it necessary to line-item veto this proviso.”

MARK PARKINSON
Governor

Dated: May 22, 2009

CONSIDERATION OF VETOED LINE ITEMS

The governor’s line item objections to **S. Sub. for HB 2373** having been read (see this Journal, pp. 780-781), the time arrived for reconsideration of **S. Sub. for HB 2373**. An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, and June 30, 2014, 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. 2008 Supp. 12-5256, as amended by section 136 of 2009 Senate Substitute for House Bill No. 2354, 76-7,107, as amended by section 139 of 2009 Senate Substitute for House Bill No. 2354, 79-2978, as amended by section 88 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-2979, as amended by section 89 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-3425i, as amended by section 144 of 2009 Senate Substitute for House Bill No. 2354, 79-34,156, as amended by section 91 of 2009 House Substitute for Substitute for Senate Bill No. 23, and 79-4801, as amended by section 145 of 2009 Senate Substitute for House Bill No. 2354, and repealing the existing sections; also repealing section 102 of 2009 Senate Substitute for House Bill No. 2354, 79-2978, as amended by section 142 of 2009 Senate Substitute for House Bill No. 2354, and 79-2979, as amended by section 143 of 2009 Senate Substitute for House Bill No. 2354.

There was no motion to reconsider the line items. The chair ruled the line items had been reconsidered and the veto sustained.

PROTEST

Pursuant to the provisions of Article 2, Section 10 of the Kansas Constitution and K.S.A. 2008 Supp. 46-2339(c), I make formal written protest regarding the passage of those line items contained in 2009 **S. Sub. for HB 2373** (Omnibus 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 legislature 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 **S. Sub. for HB 2373** 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 2010. 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.

That it is common knowledge that revenue raising was the primary, if not sole motivation for the fee sweeps is illustrated by the Notices of Assessment that were recently sent out by the Kansas Insurance Department with regard to assessing Kansas businesses for the Workers' Compensation Fee Fund, one of the funds targeted for sweeps in **S. Sub. for HB 2373**. The Notice states: "**Action by the 2009 Kansas Legislature included a sweep of monies from the Workers' Compensation Fee Fund into the State General Fund. This action was part of the Legislature's proposal to remedy a revenue shortage in the State General Fund. This legislative sweep makes it necessary that the Kansas Insurance Department levy an assessment this year of 1.0 percent.**"

The effect of the fee sweeps will, like the Notice above implies, 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

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on **H. Sub. for SB 51**. An act concerning local governments, relating to boundary issues, amending K.S.A. 12-519, 12-520b, 12-521, 12-531 and 12-532 and K.S.A. 2008 Supp. 12-520, 82a-612 and 82a-646 and repealing the existing sections, which was received on May 22, 2009, and was read before the Senate on June 4, 2009.

Message from the Governor

The state should not take action that limits the ability of cities to pursue developments that will lead to economic growth, especially during these difficult economic times. Cities in Kansas must have the flexibility to annex property that will allow growth and economic development. Planning for growth in a way that promotes the health, safety and public welfare of its citizens and neighbors also is a fundamental responsibility of cities.

I support the procedural safeguards for landowners whose property is annexed over their objection that are contained in **H. Sub. for SB 51**. I also support the provisions limiting a city's future ability to annex a narrow corridor of land to reach a non-contiguous tract of land, and the provisions dealing with rural water districts. I hope the Legislature will focus on these aspects of House Substitute for SB 51 during the next legislative session.

I am concerned that the provisions in **H. Sub. for SB 51** that prohibit a city from annexing more than 65 acres of land devoted to agricultural use may prevent cities from growing in ways that would greatly benefit the economy. I have confidence that the current requirement for a county commission to approve a city's proposed annexation of property in the unincorporated county provides a safeguard from unreasonable annexation attempts.

Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **H. Sub. for SB 51**.

MARK PARKINSON
Governor

Dated: May 22, 2009

There being no motion to reconsidered the veto on **H. Sub. for SB 51**, the President ruled the veto sustained.

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on **SB 171**, An act concerning elections; pertaining to efficiency in handling ballots from military personnel and other official services absentee voters; pertaining to advance voting ballots; pertaining to candidate filing deadlines; amending K.S.A. 25-205, 25-1218 and 25-4004 and K.S.A. 2008 Supp. 25-1124, 25-1128 and 25-1216 and repealing the existing sections, which was received on May 22, 2009, and was read before the Senate on June 4, 2009.

Message from the Governor

This legislation contains a provision which I would be happy to sign into law, the opportunity for overseas and military voters to vote more easily. Allowing federal service voters to register and send ballots by e-mail will make it easier for more Kansans living abroad to participate. Fortunately, the Legislature still has time to send me these provisions in a clean bill before the 2010 elections.

However, this legislation also contains provisions which will discourage advance voting, burdening the democratic process in Kansas. Last year, more than 70 percent of registered voters in Kansas participated in the Presidential election. During that election, as with all elections before it, there was no conclusive evidence of voter fraud in Kansas. Despite this lack of a problem, SB 171 seeks to find a solution by adding affidavits and signature lines to an already crowded return envelope for an advance ballot. These unnecessary hurdles will inevitably confuse voters and discourage many of them from voting.

County election officials have suggested repeatedly that there is not conclusive evidence of voter fraud in Kansas. In fact, more and more Kansans are voting early; this is a trend we should be encouraging, not disrupting.

Again, I look forward to working with the Legislature next session to sign into law legislation that involves more people in our democracy, without creating new and needless obstacles to the voting process.

Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **SB 171**.

MARK PARKINSON
Governor

Dated: May 22, 2009

There being no motion to reconsidered the veto on **SB 171**, the President ruled the veto sustained.

REPORT ON ENGROSSED BILLS

HB 2060; S. Sub. for HB 2072; HB 2162, HB 2214; S. Sub. for Sub. HB 2365 reported correctly engrossed May 12, 2009.

HB 2158, HB 2374 reported correctly re-engrossed May 12, 2009.

REPORT ON ENROLLED BILLS

S. Sub. for HB 2267; S. Sub. for HB 2295 reported correctly enrolled, properly signed and presented to the governor on May 11, 2009.

Also, **HB 2010, HB 2060; S. Sub. for HB 2072; HB 2158, HB 2162, HB 2214; S. Sub. for Sub. HB 2365; HB 2366; S. Sub. for HB 2369; S. Sub. for HB 2373; HB 2374** reported correctly enrolled, properly signed and presented to the Governor on May 15, 2009.

REPORT ON ENROLLED RESOLUTIONS

HR 6033, HR 6034, HR 6035 reported correctly enrolled and properly signed on May 13, 2009.

Also, **HR 6021** reported correctly enrolled and properly signed on May 22, 2009.

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 2009 session, I do now declare the House adjourned sine die."

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 2001.** School districts; number of pupils in USD No. 409, Atchison. (Henry)
Introduced—14; **SJ**—200
Referred—14; **SJ**—216
Report of committee—159; **SJ**—296
Committee of whole report—176; **SJ**—397, 498
Final Action—182; **SJ**—526
Enrolled—657
Action of Governor—660
- H 2002.** School finance; military children, determination of enrollment. (Joint Committee on State Building Construction)
Introduced—14; **SJ**—217
Referred—14; **SJ**—235
Report of committee—170; **SJ**—328
Committee of whole report—189; **SJ**—351
Final Action—194; **SJ**—360
Further action of House—431
Enrolled—481
Action of Governor—660
- H 2003.** Career technical education; funding formula; update in terminology. (Joint Committee on State Building Construction)
Introduced—14; **SJ**—190
Referred—15; **SJ**—198
Report of committee—151; **SJ**—290
Committee of whole report—169; **SJ**—311
Final Action—174; **SJ**—313
Enrolled—364
Action of Governor—442
- H 2004.** Regents institutions; participation in mandatory retirement plans, conditions. (Joint Committee on State Building Construction)
Introduced—14; **SJ**—190
Referred—15; **SJ**—198
Report of committee—151; **SJ**—285
Committee of whole report—169; **SJ**—297
Final Action—174; **SJ**—301
Enrolled—312
Action of Governor—442
- H 2005.** KAN-ED funding; Kansas universal service fund. (Joint Committee on State Building Construction)
Introduced—14
Referred—14, 49
- H 2006.** State educational institutions; recruitment of payment of moving expenses. (Joint Committee on State Building Construction)
Introduced—14
Referred—15
- H 2007.** State educational institutions; waiver fees and tuition at undergraduate and graduate levels. (Joint Committee on State Building Construction)
Introduced—14; **SJ**—190
Referred—15; **SJ**—198
Report of committee—151; **SJ**—260
Committee of whole report—169; **SJ**—291, 311
Final Action—175; **SJ**—313
Enrolled—364
Action of Governor—442
- H 2008.** Sub. for H 2008 by Committee on Education — Administration of epinephrine in emergencies at schools; epinephrine kits. (Joint Committee on State Building Construction)
Introduced—14, 280; **SJ**—340
Referred—14, 182, 224; **SJ**—358
Report of committee—280; **SJ**—362
Committee of whole report—308; **SJ**—460
Final Action—316; **SJ**—475
Further action of House—413, 560
Further action of Senate—**SJ**—509, 608
Enrolled—667
Action of Governor—663
- H 2009.** Exception to property tax exemption for certain transmission lines and appurtenances. (Gatewood, D.)
Introduced—14
Referred—15
- H 2010.** Board of healing arts; storage, maintenance and transfer of medical record; medical record maintenance trust fund. (Kiegerl)
Introduced—14; **SJ**—238
Referred—15; **SJ**—240
Report of committee—178; **SJ**—329
Committee of whole report—200; **SJ**—349
Final Action—206; **SJ**—360
Further action of House—370, 715
Further action of Senate—**SJ**—416
Enrolled—783
Action of Governor—780
- H 2011.** Abortion; reporting; late term abortions reporting. (Siegfreid)
Introduced—14
Referred—15, 54
Report of committee—241
- H 2012.** Establishing a deadline for the court of appeals to decide appeals from administrative or-

(SJ refers to the Senate Journals for 2009.)

ders 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 2014. S Sub for Sub H 2014 by Committee on Utilities — Energy conservation and electric generation, transmission and efficiency and air emissions. (Energy and Utilities)

Introduced—23, 164; **SJ**—254

Referred—47, 223, 224; **SJ**—254

Report of committee—164; **SJ**—257

Committee of whole report—230; **SJ**—268

Final Action—239; **SJ**—279

Further action of House—263, 276, 432, 635, 760

Further action of Senate—**SJ**—283, 483, 634

Enrolled—667

Action of Governor—660

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 2023. Motor carriers, enforcement of state corporation commission orders. (Transportation)

Introduced—48; **SJ**—200

Referred—50; **SJ**—216

Report of committee—138; **SJ**—260

Committee of whole report—176; **SJ**—291

Final Action—183; **SJ**—294

Enrolled—312

Action of Governor—351

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 2026. Sales taxation; countywide retailer's sales tax in Lyon and Rawlins counties. (Taxation)

Introduced—48; **SJ**—114

Referred—50; **SJ**—119

Report of committee—81; **SJ**—146

Committee of whole report—113; **SJ**—167

Final Action—116; **SJ**—172

Enrolled—223

Action of Governor—224

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. 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. (Spe-

cial Committee on the Use of Eminent Domain in Condemnation of Water Rights)

Introduced—52

Referred—54

H 2031. Cities; annexation; board of county commissioners decision; election required. (Special Committee on the Use of Eminent Domain in Condemnation of Water Rights)

Introduced—52

Referred—54

H 2032. S Sub for H 2032 by Committee on Natural Resources — Surface owner notification. (Local Government)

Introduced—52; **SJ**—337

Referred—54, 223, 224; **SJ**—340, 612

Report of committee—188; **SJ**—613

Committee of whole report—301; **SJ**—708

Final Action—304; **SJ**—708

Further action of House—697

Enrolled—699

Action of Governor—780

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. Identification of defendant by unique DNA profile sufficient for reasonable certainty requirement of warrant. (Schwab)

Introduced—52; **SJ**—190

Referred—54; **SJ**—198

Report of committee—144

Committee of whole report—169

Final Action—175

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. (Joint Committee 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. (Joint Committee on Administrative Rules and Regulations)

Introduced—54

Referred—60

H 2045. Designating bridge no. 85 on U.S. highway 166 in Labette county as the veterans memorial bridge. (Proehl)

Introduced—54; **SJ**—149

Referred—60; **SJ**—177

Report of committee—138; **SJ**—257

Committee of whole report—150

Final Action—154; **SJ**—293

Enrolled—312

Action of Governor—351

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 2050. Substitute for HB 2050 by Committee on Agriculture and Natural Resources — adjusting fees for water rights, applications for term permits for appropriating water. (Agriculture and Natural Resources)

Introduced—54, 169; **SJ**—217
 Referred—60; **SJ**—235
 Report of committee—169; **SJ**—389
 Committee of whole report—184; **SJ**—417
 Final Action—195; **SJ**—475
 Enrolled—481
 Action of Governor—660

H 2051. Establishing the net metering and easy connection act for solar generation. (Energy and Utilities)

Introduced—54
 Referred—60

H 2052. Insurance; public adjusters; risk based capital; Federal home loan bank; long-term care partnership program; guaranty association; continuation of coverage; records. (Insurance)

Introduced—54; **SJ**—114
 Referred—60; **SJ**—119
 Report of committee—74; **SJ**—296
 Committee of whole report—113; **SJ**—338
 Final Action—117; **SJ**—341
 Further action of House—349, 449, 638
 Further action of Senate—**SJ**—402, 612, 729
 Enrolled—667
 Action of Governor—660

H 2053. Repealing the Kansas insurance score act. (Insurance)

Introduced—54
 Referred—60

H 2054. Title insurance, annual audits. (Insurance)

Introduced—54; **SJ**—238
 Referred—60; **SJ**—240
 Report of committee—186; **SJ**—304
 Committee of whole report—199; **SJ**—338
 Final Action—206; **SJ**—342
 Enrolled—399
 Action of Governor—442

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 2059. Proceeds derived from violation of the uniform controlled substances act or any substantially similar offense from another jurisdiction. (Corrections and Juvenile Justice)

Introduced—58; **SJ**—190
 Referred—61; **SJ**—198
 Report of committee—144; **SJ**—329
 Committee of whole report—169; **SJ**—511
 Final Action—175; **SJ**—527
 Enrolled—657
 Action of Governor—660

H 2060. Joint committee on parole board oversight; fleeing police officer; criminal threat; animal fighting; controlled substance violations; battery against law enforcement officer; criminal history; community corrections; presentence investigation report. (Corrections and Juvenile Justice)

Introduced—58; **SJ**—217
 Referred—61; **SJ**—235
 Report of committee—169; **SJ**—304
 Committee of whole report—184; **SJ**—351
 Final Action—195; **SJ**—360
 Further action of House—370, 681, 697, 714, 730
 Further action of Senate—**SJ**—416, 635, 771, 774, 792, 792, 816, 828
 Enrolled—783
 Action of Governor—780

H 2061. Board of professional educators. (Sloan)

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 2063. Adjusting fees imposed by the secretary of agriculture for weights and measures services. (Agriculture and Natural Resources)

Introduced—58
 Referred—61
 Report of committee—176

H 2064. Light pollution; night sky protection act. (Energy and Utilities)

Introduced—58
 Referred—61

- H 2065.** Intensive groundwater control areas; hearing procedure. (Joint Committee on Administrative Rules and Regulations)
 Introduced—58
 Referred—61
- H 2066.** Elections; HAVA compliance, voter identification requirements, party affiliation declaration. (Elections)
 Introduced—58
 Referred—61
 Report of committee—160
 Committee of whole report—190
- H 2067.** Kansas home inspectors registration board; removing the secretary of state as custodian of the board's records. (Commerce and Labor)
 Introduced—58
 Referred—61
 Report of committee—177
 Committee of whole report—199
- H 2068.** Real estate brokers and salespersons; licensure; deactivation. (Commerce and Labor)
 Introduced—58; **SJ**—149
 Referred—61; **SJ**—177
 Report of committee—121; **SJ**—260
 Committee of whole report—150; **SJ**—291
 Final Action—154; **SJ**—295
 Enrolled—312
 Action of Governor—351
- 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 2072.** S Sub for H 2072 by Committee on Ways and Means — KPERS; employment after retirement; KPF disability benefits; purchase of service credit; and state and school employer contribution rate. (Joint Comm on Energy and Environmental Policy)
 Introduced—61; **SJ**—340
 Referred—64; **SJ**—358
 Report of committee—237; **SJ**—483
 Committee of whole report—245, 308; **SJ**—498
 Final Action—316; **SJ**—527
 Further action of House—449, 706, 766
 Further action of Senate—**SJ**—542, 747, 849, 859
 Enrolled—783
 Action of Governor—780
- H 2073.** Sub. for H 2073 by Select Committee on KPERS — KPERS, employment after retirement restrictions and requirements apply to retirees employed by a third-party entity. (Joint Comm on Energy and Environmental Policy)
 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, Hawk, Hill, Hine-man, 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. (Spec. Comm. on Assessment and Taxation)
 Introduced—64
 Referred—69
- H 2079.** Sales tax refund on certain purchasers of telecommunications machinery and equipment. (Spec. Comm. on Assessment and Taxation)
 Introduced—64; **SJ**—217
 Referred—69; **SJ**—235, 762
 Report of committee—160; **SJ**—338

- Committee of whole report—190
Final Action—196
- H 2080.** Solid waste tire management fund. (Agriculture and Natural Resources)
Introduced—64
Referred—68
Report of committee—150
Subsidiary motions—166
- H 2081.** Substitute for HB 2081 by Committee on Agriculture and Natural Resources — Fixing fee charged by the secretary of agriculture for milk and dairy products. (Agriculture and Natural Resources)
Introduced—64, 159
Referred—68
Report of committee—159
- H 2082.** Musical performing groups; advertising; restrictions. (Federal and State Affairs)
Introduced—65
Referred—68
Report of committee—292
- 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 2085.** S Sub for H 2085 by Committee on Federal and State Affairs — Solid waste management plans and grants to schools to purchase recycled products. (Veterans, Military, and Homeland Security)
Introduced—65; **SJ**—149
Referred—69; **SJ**—177
Report of committee—138; **SJ**—573
Committee of whole report—150; **SJ**—577
Final Action—155; **SJ**—581
Further action of House—565, 579
Further action of Senate—**SJ**—697
Enrolled—667
Action of Governor—663
- 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. (Joint Comm on Energy and Environmental Policy)
Introduced—66
Referred—74
- H 2091.** Exempting modular homes from Kansas manufactured housing act. (Financial Institutions)
Introduced—66; **SJ**—180
Referred—74; **SJ**—189
Report of committee—144; **SJ**—268
Committee of whole report—159; **SJ**—291
Final Action—166; **SJ**—295
Enrolled—312
Action of Governor—442
- H 2092.** Prohibiting transfer fee covenants. (Financial Institutions)
Introduced—66; **SJ**—180
Referred—74, 78; **SJ**—189
Report of committee—145; **SJ**—268
Committee of whole report—159; **SJ**—297
Final Action—167; **SJ**—301
Enrolled—312
Action of Governor—442
- 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 2096.** S Sub for H 2096 by Committee on Judiciary — Creating the Kansas DUI commission; correctional services special revenue fund; driver improvement clinics; penalties for driving under the

influence; information sent to KBI central repository. (Corrections and Juvenile Justice)

Introduced—67; **SJ**—180

Referred—74; **SJ**—189

Report of committee—144; **SJ**—304

Committee of whole report—159; **SJ**—352

Final Action—167; **SJ**—361

Further action of House—370, 565

Further action of Senate—**SJ**—416, 566

Enrolled—667

Action of Governor—663

H 2097. S Sub for H 2097 by Committee on Judiciary — Sentencing for certain felony drug crimes, probation or assignment to community correctional services up to 18 months; community corrections, risk assessment tool, LSI-R, delay use until January 1, 2011. (Corrections and Juvenile Justice)

Introduced—67; **SJ**—180

Referred—74; **SJ**—189

Report of committee—144; **SJ**—389

Committee of whole report—159; **SJ**—498

Final Action—168; **SJ**—527

Further action of House—451

Further action of Senate—**SJ**—565, 700

H 2098. Crimes, punishments and criminal procedure; electronic solicitation; Kansas rape shield law, adding aggravated trafficking and electronic solicitation; aggravated habitual sex offenders. (Corrections and Juvenile Justice)

Introduced—67; **SJ**—238

Referred—74; **SJ**—240

Report of committee—144; **SJ**—307

Committee of whole report—199; **SJ**—338

Final Action—207; **SJ**—342

Further action of House—370

Enrolled—481

Action of Governor—660

H 2099. S Sub for H 2099 by Committee on Federal and State Affairs — Open records; public agency not required to disclose certain information relating to alleged victims of stalking, domestic violence or sexual assault. (Corrections and Juvenile Justice)

Introduced—67; **SJ**—200

Referred—74; **SJ**—216, 762

Report of committee—159; **SJ**—771

Committee of whole report—176; **SJ**—794

Final Action—183; **SJ**—795

Further action of House—697

Enrolled—699

Action of Governor—780

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 2102. School districts; pupil attending schools outside district of residence; transportation. (Aurand)

Introduced—67

Referred—74

Report of committee—159

Committee of whole report—176

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 retiree 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

Referred—74

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 2110. Increase in property damage amount in actions involving negligent motor vehicle operation. (Judiciary)

Introduced—68

Referred—74

Report of committee—137

H 2111. Extending sunset provision in Kansas commission on judicial performance statutes; re-

taining increase in docket fees to fund commission. (Judiciary)

Introduced—68; **SJ**—149

Referred—74; **SJ**—177

Report of committee—137; **SJ**—329

Committee of whole report—150; **SJ**—498

Final Action—155; **SJ**—527

Enrolled—657

Action of Governor—660

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 — Underground utility damage prevention act, interference with an emergency call. (Energy and Utilities)

Introduced—68; **SJ**—200

Referred—74; **SJ**—216

Report of committee—160; **SJ**—409

Committee of whole report—**SJ**—514

Final Action—182; **SJ**—527

Further action of House—449, 729

Further action of Senate—**SJ**—542, 878

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 2121. Agriculture; fertilizer and pesticides, fees; dairy products, fees and labeling; swine waste. (Agriculture and Natural Resources)

Introduced—68; **SJ**—257

Referred—73, 223, 224; **SJ**—260

Report of committee—176; **SJ**—288

Committee of whole report—245; **SJ**—311

Final Action—247; **SJ**—313

Further action of House—307, 487, 612, 761

Further action of Senate—**SJ**—343, 581, 646

Enrolled—667

Action of Governor—663

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; **SJ**—238

Referred—78; **SJ**—240

Report of committee—188

Committee of whole report—200

Final Action—207

H 2126. S Sub for H 2126 by Committee on Utilities — Providing caller location in emergency situations. (Energy and Utilities)

Introduced—71; **SJ**—238

Referred—78; **SJ**—240

Report of committee—170; **SJ**—409

Committee of whole report—200; **SJ**—472, 480

Final Action—207; **SJ**—481

Further action of House—413, 561

Further action of Senate—**SJ**—509, 584

Enrolled—667

Action of Governor—663

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, 588
Committee of whole report—217; **SJ**—611
Final Action—218; **SJ**—611
Further action of House—590
Further action of Senate—**SJ**—700
- H 2131.** Kansas intermodal transportation revolving fund; financing intermodal transportation projects. (Transportation)
Introduced—74; **SJ**—238
Referred—78; **SJ**—240
Report of committee—160; **SJ**—333
Committee of whole report—217; **SJ**—349
Final Action—217; **SJ**—361
Further action of House—371, 510
Further action of Senate—**SJ**—416, 566
Enrolled—657
Action of Governor—660
- 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 2134.** License plates; distinctive and personalized plates. (Transportation)
Introduced—75; **SJ**—238
Referred—78; **SJ**—240
Report of committee—188; **SJ**—334
Committee of whole report—217; **SJ**—349
Final Action—220; **SJ**—361
Further action of House—371, 513
Further action of Senate—**SJ**—416, 569
Enrolled—657
Action of Governor—660
- 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 Security)
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 2142.** Cities; continuing education requirements for plumbers, electricians and certain mechanical contractors. (Commerce and Labor)
Introduced—75; **SJ**—238
Referred—78; **SJ**—240
Report of committee—177; **SJ**—268
Committee of whole report—204; **SJ**—291
Final Action—208; **SJ**—295
Enrolled—312
Action of Governor—442
- H 2143.** Sub. for HB 2143 by Committee on Transportation — Driver's licenses; restrictions. (Transportation)
Introduced—77, 180; **SJ**—238
Referred—82; **SJ**—240
Report of committee—179; **SJ**—338
Committee of whole report—204; **SJ**—349
Final Action—208; **SJ**—362
Enrolled—399
Action of Governor—442
- 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 2146.** Special overweight or oversize permits; increasing fees. (Transportation)
Introduced—77

- Referred—82
 Report of committee—145
- H 2147.** Regulating traffic; removal of vehicles from highways. (Transportation)
 Introduced—77; **SJ**—190
 Referred—82; **SJ**—198
 Report of committee—145; **SJ**—257
 Committee of whole report—169; **SJ**—268
 Final Action—176; **SJ**—279
 Enrolled—302
 Action of Governor—322
- 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, Siegfried)
 Introduced—77
 Referred—82
- H 2151.** Establishing a license plate production fee. (Transportation)
 Introduced—78
 Referred—82
- H 2152.** Motor vehicles; regulation thereof; golf carts; work-site utility vehicles; towed vehicles. (Transportation)
 Introduced—78; **SJ**—238
 Referred—82; **SJ**—240
 Report of committee—179; **SJ**—414
 Committee of whole report—217; **SJ**—516
 Final Action—219; **SJ**—528
 Further action of House—449, 485, 617
 Further action of Senate—**SJ**—542, 572, 651
 Enrolled—667
 Action of Governor—663
- 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 2155.** City land banks. (Local Government)
 Introduced—78; **SJ**—238
 Referred—82; **SJ**—240
- Report of committee—188; **SJ**—329
 Committee of whole report—199; **SJ**—499
 Final Action—208; **SJ**—528
 Further action of House—449, 636
 Further action of Senate—**SJ**—566
 Enrolled—667
 Action of Governor—663
- H 2156.** Legislature; prohibiting legislators from holding other paid elected positions. (Local Government)
 Introduced—78
 Referred—82, 126
- H 2157.** Topeka/Shawnee county riverfront authority. (Local Government)
 Introduced—78; **SJ**—238
 Referred—82; **SJ**—240
 Report of committee—188; **SJ**—290
 Committee of whole report—203; **SJ**—311
 Final Action—209; **SJ**—313
 Enrolled—364
 Action of Governor—442
- H 2158.** Elections; corrupt political advertising; electronic filing of certain reports; Highway Patrol members allowed to hold certain offices; removal of certain filing requirements. (Local Government)
 Introduced—78; **SJ**—238
 Referred—82, 126; **SJ**—240, 240
 Report of committee—177; **SJ**—268
 Committee of whole report—217; **SJ**—297
 Final Action—219; **SJ**—301
 Further action of House—286, 629, 746
 Further action of Senate—**SJ**—327, 663, 754, 842
 Enrolled—783
 Action of Governor—780
- H 2159.** Insurance settlement payments, mortgage holder and mortgagor. (Insurance)
 Introduced—78
 Referred—82
- H 2160.** Insurance, payment of insurance claims without dual endorsement. (Insurance)
 Introduced—78
 Referred—82, 223, 224
 Report of committee—186
- H 2161.** Fees collected by state board of healing arts. (Health and Human Services)
 Introduced—80
 Referred—82
- H 2162.** Marriage and family therapists educational requirements and psychologists application fees. (Health and Human Services)
 Introduced—80; **SJ**—238
 Referred—82; **SJ**—240
 Report of committee—145; **SJ**—408
 Subsidiary motions—**SJ**—760
 Committee of whole report—204; **SJ**—514

- Final Action—209; **SJ**—528
 Further action of House—486, 746
 Further action of Senate—**SJ**—582, 750, 848
 Enrolled—783
 Action of Governor—780
- H 2163.** Duties of registered nurse anesthetists. (Health and Human Services)
 Introduced—80
 Referred—82
- H 2164.** Courts; judicial council; commission on judicial performance; funding the Kansas criminal code recodification commission; the court of appeals; judges and justices retirement age. (Judiciary)
 Introduced—80; **SJ**—238
 Referred—82; **SJ**—240
 Report of committee—179; **SJ**—346
 Committee of whole report—199; **SJ**—498
 Final Action—210; **SJ**—528
- H 2165.** Establishing recklessness as a standard in unlawfully hosting minors in a person's residence. (Judiciary)
 Introduced—80; **SJ**—238
 Referred—82; **SJ**—240
 Report of committee—185; **SJ**—389
 Committee of whole report—200; **SJ**—511
 Final Action—210; **SJ**—529
 Enrolled—657
 Action of Governor—660
- H 2166.** Health exceptions to the prohibition of late-term and partial birth abortions. (Huebert)
 Introduced—80
 Referred—82
 Report of committee—241
- 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 2171.** Creating the Vietnam war era medal-lion program; membership of the commission on veterans affairs and the claims assistance program. (Veterans, Military, and Homeland Security)
 Introduced—80; **SJ**—238
 Referred—82; **SJ**—240
 Report of committee—171; **SJ**—318
 Committee of whole report—217; **SJ**—338
 Final Action—218; **SJ**—342
 Further action of House—402
 Enrolled—481
 Action of Governor—660
- H 2172.** Taxation; cash rebates on sales or leases of new motor vehicles; exemptions; valuation of agricultural land for estate tax; periods of limitation for income tax refunds; homestead property tax refunds. (Taxation)
 Introduced—80; **SJ**—200
 Referred—82; **SJ**—216, 327
 Report of committee—160; **SJ**—296, 404
 Subsidiary motions—**SJ**—418
 Committee of whole report—176; **SJ**—417, 460
 Final Action—183; **SJ**—475
 Further action of House—413, 540, 579, 761
 Further action of Senate—**SJ**—509, 587, 670
 Enrolled—667
 Action of Governor—664
- 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
- H 2179.** Low-income family postsecondary savings accounts incentive program. (Appropriations)
 Introduced—82

- Referred—88
- H 2180.** Alcoholic beverages; wine lockers in a drinking establishment; consumption of alcoholic beverages at public events under certain circumstances. (Appropriations)
 Introduced—82; **SJ**—537
 Referred—88; **SJ**—540
 Report of committee—287
 Committee of whole report—432
 Final Action—442
- H 2181.** At-risk moneys; limitation on use for teacher salaries and benefits. (Joint Committee on State-Tribal Relations)
 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 2185.** Public moneys, reciprocal deposit program. (Financial Institutions)
 Introduced—85; **SJ**—180
 Referred—112; **SJ**—189
 Report of committee—145; **SJ**—296
 Committee of whole report—159; **SJ**—338
 Final Action—168; **SJ**—342
 Further action of House—371
 Enrolled—481
 Action of Governor—660
- 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 2188.** Dealer-hauler full-privilege trailer license plates. (Transportation)
 Introduced—85; **SJ**—238
 Referred—112; **SJ**—240
 Report of committee—188; **SJ**—290
 Committee of whole report—217; **SJ**—311
 Final Action—220; **SJ**—314
- Enrolled—364
 Action of Governor—442
- 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 2193.** Campaign finance; filing of certain reports by certain candidates; electioneering. (Local Government)
 Introduced—85
 Referred—112
 Report of committee—159
 Committee of whole report—190
 Final Action—196
- 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
 Committee of whole report—217; **SJ**—794
 Final Action—219; **SJ**—795
 Further action of House—697
 Further action of Senate—**SJ**—800, 886
- 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 2197.** State educational institutions; admission standards. (Higher Education)
 Introduced—85; **SJ**—238
 Referred—112; **SJ**—240
 Report of committee—179; **SJ**—290
 Committee of whole report—200; **SJ**—311
 Final Action—210; **SJ**—314
 Further action of House—318
 Enrolled—399

- Action of Governor—442
- 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 2201.** Conditions on licensee if delinquent in child support. (Judiciary)
Introduced—86; **SJ**—238
Referred—112; **SJ**—240
Report of committee—179; **SJ**—389
Committee of whole report—200; **SJ**—417
Final Action—211; **SJ**—476
Enrolled—481
Action of Governor—660
- 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 2207.** Criminal procedure, costs associated with supervision of the conditions of release of the appearance bond. (Corrections and Juvenile Justice)
Introduced—88; **SJ**—217
Referred—112; **SJ**—235
Report of committee—169; **SJ**—296
Committee of whole report—184; **SJ**—311
Final Action—197; **SJ**—314
Enrolled—364
Action of Governor—442
- 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 2214.** Insurance; controlled insurance programs; mental illness, alcoholism, drug abuse or substance use coverage; continuation of coverage. (Insurance)
Introduced—89; **SJ**—238
Referred—112; **SJ**—240
Report of committee—186; **SJ**—362
Committee of whole report—217; **SJ**—460
Final Action—220; **SJ**—476
Further action of House—413, 449, 568, 753
Further action of Senate—**SJ**—509, 612, 864
Enrolled—783
Action of Governor—780
- 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 — KPERS, purchase of service credit and state and school employer contribution rate. (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
Further action of Senate—**SJ**—509
- 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
Further action of Senate—**SJ**—582
- H 2222.** State agencies; collections of fee, licenses, taxes, surcharges, discounts. (Government Efficiency and Fiscal Oversight)
Introduced—113; **SJ**—238
Referred—116; **SJ**—240
Report of committee—185
Committee of whole report—204
Final Action—212
- 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.** Allowing the attorney general or the county or district attorney to request of the district court the convening of a grand jury to investigate alleged violations of serious felonies. (Kinzer)
Introduced—113
Referred—116
- 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
- H 2229.** Adult care home and medical care facilities resident and patient visitation rights. (Flaharty)
Introduced—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 2232.** Authorizing increased membership for corrections advisory boards. (Corrections and Juvenile Justice)
Introduced—113; **SJ**—217
Referred—116; **SJ**—235
Report of committee—169; **SJ**—296
Committee of whole report—184; **SJ**—311
Final Action—197; **SJ**—314
Enrolled—364
Action of Governor—442
- H 2233.** Criminal procedure; withdrawal of guilty plea, time limitation; alternate or additional juror selection; tolling speedy trial time during appeal by the prosecution. (Corrections and Juvenile Justice)
Introduced—113; **SJ**—217
Referred—116; **SJ**—235
Report of committee—169; **SJ**—309
Committee of whole report—189; **SJ**—338
Final Action—198; **SJ**—342
Further action of House—371
Enrolled—481
Action of Governor—660

- 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 2236.** Recodification of certain drug crimes. (Corrections and Juvenile Justice)
Introduced—114; **SJ**—217
Referred—116; **SJ**—235
Report of committee—150; **SJ**—338
Committee of whole report—184; **SJ**—397
Final Action—198; **SJ**—399
Enrolled—440
Action of Governor—442
- H 2237.** Schools; vocational education courses. (Education)
Introduced—114
Referred—116
- H 2238.** Amending the fairness in private construction contract act and the fairness in public construction contract act regarding retainage. (Commerce and Labor)
Introduced—114
Referred—116, 221, 271
- H 2239.** School districts; uniform accounting system for the recording and reporting of receipts and expenditures. (Appropriations)
Introduced—114
Referred—116, 321
- H 2240.** Amending the Kansas underground utility damage prevention act. (Appropriations)
Introduced—114
Referred—116
- H 2241.** Requiring well identification signs be placed on or near certain oil or gas wells. (Agriculture and Natural Resources)
Introduced—115
Referred—126
Report of committee—185
- 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 2243.** Cosmetology board fees. (Health and Human Services)
Introduced—115
Referred—126
- Report of committee—179
- H 2244.** Campaign finance; report of unitemized contributions. (Elections)
Introduced—115
Referred—126
Report of committee—160
- 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.** Amendments to the Kansas whistleblower act. (Government Efficiency and Fiscal Oversight)
Introduced—121
Referred—126, 223, 224
Report of committee—186
- H 2250.** Rules of evidence; admissibility of prior acts or offenses of sexual misconduct. (Judiciary)
Introduced—121; **SJ**—217
Referred—126; **SJ**—235
Report of committee—171; **SJ**—408
Committee of whole report—184; **SJ**—498
Final Action—198; **SJ**—529
Further action of House—449, 562
Further action of Senate—**SJ**—542, 584
- 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
- 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 Security)
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 2258.** Vehicle dealers and manufacturers licensing act; regulating crushers, recyclers, rebuilders. (Transportation)
Introduced—121; **SJ**—238
Referred—126; **SJ**—240
Report of committee—188; **SJ**—334
Committee of whole report—217; **SJ**—417
Final Action—221; **SJ**—476
Further action of House—431
Enrolled—481
Action of Governor—660
- H 2259.** Health care act providing for a Medicaid waiver to offer health opportunity accounts and a pilot premium assistance plan program for small employers. (Health and Human Services)
Introduced—121
Referred—126, 223, 246
Report of committee—186
Committee of whole report—273
Final Action—279
- H 2260.** S Sub for H 2260 by Committee on Commerce — Kansas home inspectors professional competence and financial responsibility act. (Commerce and Labor)
Introduced—121; **SJ**—217
Referred—126; **SJ**—235
Report of committee—169; **SJ**—328
Committee of whole report—184; **SJ**—499
Final Action—199; **SJ**—529
Further action of House—449, 578
Further action of Senate—**SJ**—542, 682
Enrolled—667
Action of Governor—663
- 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. (Joint Committee on State-Tribal Relations)
Introduced—122; **SJ**—238
Referred—126; **SJ**—240
Report of committee—178; **SJ**—290
Committee of whole report—203; **SJ**—311
Final Action—212; **SJ**—314
Further action of House—307
Further action of Senate—**SJ**—343
- H 2266.** Service members; relating to civil relief, enacting the Kansas military service relief act. (Taxation)
Introduced—122
Referred—126
- H 2267.** S Sub for H 2267 by Committee on Federal and State Affairs — Non-gubernatorial appointments subject to confirmation; task force on racial profiling; Kansas commission on rural policy. (Veterans, Military, and Homeland Security)
Introduced—122; **SJ**—238
Referred—126; **SJ**—240
Report of committee—171; **SJ**—573
Committee of whole report—199; **SJ**—577
Final Action—212; **SJ**—581
Further action of House—566, 714
Further action of Senate—**SJ**—697, 792
Action of Governor—783, 780
- 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 2270.** Extension of performance dates for determination of business income in certain circumstances for Kansas income tax purposes. (Taxation)
 Introduced—122; **SJ**—238
 Referred—126, 135; **SJ**—240
 Report of committee—177; **SJ**—303
 Subsidiary motions—182
 Committee of whole report—203
 Final Action—213; **SJ**—358
 Enrolled—399
 Action of Governor—442
- 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. (Appropriations)
 Introduced—125
 Referred—135, 321
- 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.** Rural water districts, release of certain property, 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
- 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 2287.** Health reimbursement arrangements. (Health and Human Services)
 Introduced—130
 Referred—135
 Report of committee—186
 Committee of whole report—203
 Final Action—213
- H 2288.** Enacting the Kansas health care price transparency act. (Health and Human Services)
 Introduced—130
 Referred—135
- 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—131
 Referred—135
- H 2292.** Requests for security freeze on consumer reports. (Judiciary)
 Introduced—131; **SJ**—238
 Referred—135, 145; **SJ**—240
 Report of committee—177; **SJ**—376
 Committee of whole report—200; **SJ**—471
 Final Action—213; **SJ**—477
 Further action of House—414, 564
 Further action of Senate—**SJ**—509, 586
 Enrolled—667
 Action of Governor—663
- 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 2295.** S Sub for H 2295 by Committee on Agriculture — Fees for fertilizers, pesticides and dairy products; transfer of swine waste nutrient program duties. (Taxation)
 Introduced—131; **SJ**—412
 Referred—135; **SJ**—478, 798
 Report of committee—286; **SJ**—798
 Committee of whole report—325; **SJ**—798
 Final Action—352; **SJ**—798
 Further action of House—700
 Action of Governor—783, 780
- 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—131
 Referred—135
- H 2297.** Geriatric medicine; approved postgraduate training program for KU medical school and doctor of osteopathy loan programs. (Aging and Long-term Care)
 Introduced—131; **SJ**—238
 Referred—135; **SJ**—240
 Report of committee—185; **SJ**—329
 Committee of whole report—200; **SJ**—397
 Final Action—214; **SJ**—399
 Enrolled—440
 Action of Governor—442
- H 2298.** Distance-learning educational credits for qualifications to take licensure examination by health care providers. (Higher Education)
 Introduced—131
 Referred—135
- H 2299.** Sales taxation; relating to exemptions. (Taxation)
 Introduced—131; **SJ**—337
 Referred—135; **SJ**—340, 816
 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
- 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 2308.** Personal and family protection act; applicant requirements; military. (Veterans, Military, and Homeland Security)
 Introduced—134; **SJ**—238
 Referred—136; **SJ**—240
 Report of committee—185; **SJ**—321
 Committee of whole report—199; **SJ**—498
 Final Action—214; **SJ**—529
 Further action of House—481, 516
 Further action of Senate—**SJ**—582
 Enrolled—667
 Action of Governor—663

- H 2309.** Requiring proof of legal access to property with application for water right. (Federal and State Affairs)
 Introduced—134
 Referred—136
- H 2310.** Long-term care partnership program; exchange of policies. (Federal and State Affairs)
 Introduced—134; **SJ**—416
 Referred—136, 153; **SJ**—478
 Report of committee—319
 Final Action—368
- H 2311.** Authorizing licensed private detectives to serve process statewide. (Federal and State Affairs)
 Introduced—134; **SJ**—260
 Referred—136; **SJ**—264
 Report of committee—241; **SJ**—343
 Committee of whole report—248; **SJ**—397
 Final Action—252; **SJ**—400
 Enrolled—440
 Action of Governor—442
- H 2312.** Workers compensation, caps on damages. (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.** Sub. for HB 2320 by Committee on Government Efficiency and Fiscal Oversight — State finance, state budget stabilization reserve fund in state treasury, excluded from governor's budget report. (Government Efficiency and Fiscal Oversight)
 Introduced—136, 203; **SJ**—300
 Referred—141, 223, 224; **SJ**—316
 Report of committee—203
 Committee of whole report—217, 273
 Final Action—279
- H 2321.** Political subdivision under the Kansas retailers' sales tax act to include horsethief reservoir benefit district. (Taxation)
 Introduced—140; **SJ**—238
 Referred—148; **SJ**—240
 Report of committee—179; **SJ**—303
 Committee of whole report—200; **SJ**—349
 Final Action—215; **SJ**—362
 Enrolled—399
 Action of Governor—442
- 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
 Committee of whole report—407
 Final Action—417
- H 2324.** Sales taxation; exemptions allowed under Kansas enterprise zone act; sales tax allowed under community improvement district act. (Taxation)
 Introduced—148; **SJ**—337
 Referred—152; **SJ**—340
 Report of committee—276; **SJ**—404
 Committee of whole report—301; **SJ**—472, 487, 500
 Final Action—305; **SJ**—529
 Further action of House—486, 637
 Further action of Senate—**SJ**—582
 Enrolled—667
 Action of Governor—663

- 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 holiday providing exemption for certain purchases of school supplies, computers and clothing. (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 2331.** State treasurer; investment of state moneys. (Appropriations)
 Introduced—151; **SJ**—537
 Referred—152; **SJ**—540, 591
 Report of committee—343; **SJ**—613
 Committee of whole report—433; **SJ**—698
 Final Action—443; **SJ**—699
 Enrolled—667
 Action of Governor—663
- 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 2339.** Sub. for HB 2339 by Committee on Commerce and Labor — Concerning certified public accounts, mobility, practice privilege, powers of the board of accountancy and peer review. (Commerce and Labor)
 Introduced—161, 177; **SJ**—238
 Referred—163; **SJ**—240
 Report of committee—177; **SJ**—260
 Committee of whole report—200; **SJ**—291
 Final Action—215; **SJ**—295
 Enrolled—364
 Action of Governor—442
- 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
 Report of committee—374
 Committee of whole report—433
 Final Action—443
- H 2341.** Requiring state agencies to use moneys appropriated for employee 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 2343.** Nurses; licensure; qualifications. (Appropriations)
 Introduced—161; **SJ**—327
 Referred—163; **SJ**—337

- Report of committee—254; **SJ**—408
 Subsidiary motions—263
 Committee of whole report—286; **SJ**—498
 Final Action—300; **SJ**—530
 Enrolled—657
 Action of Governor—660
- H 2344.** Insurance coverage for special dietary formulas. (Appropriations)
 Introduced—162
 Referred—163
- H 2345.** Life insurance, valuation of policies, reserves. (Appropriations)
 Introduced—162
 Referred—163
- 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.** Adding disabled veterans as a class of claimants for purposes of the homestead property tax refund act. (Taxation)
 Introduced—194; **SJ**—507
 Referred—206; **SJ**—532
 Report of committee—276
 Committee of whole report—355, 402
 Final Action—417
- H 2354.** S Sub for H 2354 by Committee on Ways and Means — Appropriations for FY 2009 through FY 2014 for various state agencies; including capital improvements and claims against the state. (Appropriations)
 Introduced—229; **SJ**—327
 Referred—239; **SJ**—337
 Report of committee—268; **SJ**—409
 Committee of whole report—280; **SJ**—484
 Final Action—285; **SJ**—488
 Further action of House—432, 462
 Further action of Senate—**SJ**—509, 542
 Enrolled—667
 Action of Governor—661
- H 2355.** Limitation on outstanding principal of state general fund bonded debt. (Appropriations)
 Introduced—229
 Referred—239
- H 2356.** Child care facilities; inspection. (Appropriations)
 Introduced—229; **SJ**—537
 Referred—239; **SJ**—540
 Report of committee—344
 Committee of whole report—406, 433
 Final Action—443
- 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 2359.** Cosmetology board written renewal examination information booklet. (Appropriations)
 Introduced—245; **SJ**—300
 Referred—246; **SJ**—316
 Report of committee—264; **SJ**—408
 Committee of whole report—**SJ**—498
 Final Action—278; **SJ**—530
 Enrolled—657
 Action of Governor—660
- H 2360.** State budget, estimates of state agencies, report of governor's budget recommendations, date submitted to legislature. (Appropriations)
 Introduced—248; **SJ**—507
 Referred—251, 271; **SJ**—532
 Report of committee—343
 Committee of whole report—402
 Final Action—418
- 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
Referred—257
- H 2365.** S Sub for Sub H 2365 by Committee on Assessment and Taxation — Taxation, settlement authority of secretary of revenue, limitations on certain income tax credits valuation of agricultural land, periods of limitation for certain refunds, sales tax exemptions and homestead property tax refunds. (Taxation)
Introduced—257, 393; **SJ**—575
Referred—260; **SJ**—591
Report of committee—393; **SJ**—850
Committee of whole report—432, 481; **SJ**—851
Final Action—481; **SJ**—853
Further action of House—722, 729
Further action of Senate—**SJ**—859
Enrolled—783
Action of Governor—780
- H 2366.** All-inclusive care for the elderly (PACE) program. (Federal and State Affairs)
Introduced—257; **SJ**—416
Referred—260; **SJ**—478
Report of committee—319; **SJ**—850
Committee of whole report—**SJ**—850
Final Action—368; **SJ**—853
Enrolled—783
Action of Governor—780
- H 2367.** Insurance coverage; autism. (Federal and State Affairs)
Introduced—257
Referred—260
Subsidiary motions—570, 666
- H 2368.** Sales tax exemption for certain nonprofit organizations. (Taxation)
Introduced—257
Referred—260
- H 2369.** S Sub for H 2369 by Committee on Utilities — Energy conservation and electric generation, transmission, efficiency and air emissions. (Appropriations)
Introduced—262; **SJ**—491
Referred—267; **SJ**—532, 800
Report of committee—325; **SJ**—819
Committee of whole report—372; **SJ**—850
Final Action—404; **SJ**—853
Further action of House—721
Enrolled—783
Action of Governor—780
- 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 2373.** S Sub for H 2373 by Committee on Ways and Means — Omnibus appropriation act and omnibus reconciliation spending limit bill for the 2009 regular session. (Appropriations)
Introduced—263; **SJ**—491
Referred—267; **SJ**—532
Report of committee—326; **SJ**—760
Committee of whole report—375; **SJ**—800
Final Action—404; **SJ**—812
Further action of House—712, 781
Enrolled—783
Action of Governor—781
- H 2374.** Employment security law; establishing alternative base period; allowance of benefits for approved job training and part-time employees. (Taxation)
Introduced—263; **SJ**—751
Referred—267; **SJ**—756, 756
Report of committee—392; **SJ**—762
Committee of whole report—519; **SJ**—852
Final Action—570; **SJ**—853
Further action of House—745
Enrolled—783
Action of Governor—780
- 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; **SJ**—507
Referred—298; **SJ**—532
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 wild-life and parks. (Appropriations)
Introduced—303
Referred—314
- 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
- H 2388.** Qualifying investments under the county business restoration assistance program. (Taxation)
Introduced—321; **SJ**—751
Referred—350; **SJ**—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.** Accident and health insurance, continuation of coverage. (Appropriations)
Introduced—347
Referred—350
- 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.** KPERs, increasing employer contributions. (Appropriations)
Introduced—413
Referred—415
Report of committee—693
- 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. Transparency and accountability in purchasing and state spending act. (Appropriations)

Introduced—660

Referred—669

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

TITLE AND HISTORY OF HOUSE CONCURRENT RESOLUTIONS

- HCR 5001.** Committee to inform governor that legislature is organized, 2009. (O'Neal, Davis)
 Introduced—15; **SJ**—30
 Adopted—15; **SJ**—30
 Enrolled—162
- HCR 5002.** Joint session for hearing message of the governor. (O'Neal, Davis)
 Introduced—15; **SJ**—30
 Adopted—15; **SJ**—31
 Enrolled—151
- HCR 5003.** Kansas constitutional amendment; equal rights; no discrimination based on sex. (Flaherty, 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 5007.** Joint session for hearing message of supreme court. (O'Neal, Davis)
 Introduced—78; **SJ**—119
 Referred—82
 Committee of whole report—129
 Final Action—129
 Adopted—**SJ**—119
 Enrolled—172
- 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 5010.** Constitutional amendment providing method for filling vacancies in executive offices. (Elections)
 Introduced—122
 Referred—126
 Report of committee—177
 Committee of whole report—200
 Final Action—215
- 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
 Committee of whole report—432
 Final Action—444
- HCR 5013.** Protection, preservation and extension of the productive lives of reservoirs in Kansas. (Vision 2020)
 Introduced—250; **SJ**—537
 Referred—257; **SJ**—540
 Report of committee—276
 Committee of whole report—432
 Final Action—444
- 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 5015.** Dyslexia and other reading problems; directing the state board of education to take certain actions. (Education)
 Introduced—298; **SJ**—507
 Referred—304; **SJ**—532
 Report of committee—341
 Committee of whole report—406; **SJ**—559
 Final Action—419; **SJ**—564
 Enrolled—657
- 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 5018. Adjournment of the 2009 regular legislative session. (O'Neal, Davis)

Introduced—366; **SJ**—478

Adopted—402; **SJ**—530

Enrolled—568

HCR 5019. Constitutional amendment to prescribe revenue, expenditure and taxation limitations on state government. (Federal and State Affairs)

Introduced—393

Referred—401

HCR 5020. Designating Day of the Cowboy. (George, Neufeld)

Introduced—460; **SJ**—751

Referred—482; **SJ**—751

Committee of whole report—519; **SJ**—751

Final Action—571; **SJ**—751

Enrolled—667

HCR 5021. Recognizing the contributions of the Kansas Cowboy Hall of Fame. (George, Neufeld)

Introduced—460; **SJ**—751

Referred—482; **SJ**—751

Committee of whole report—519; **SJ**—751

Final Action—571; **SJ**—751

Enrolled—667

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 5023. Joint session for hearing message of Governor Parkinson. (O'Neal, Davis)

Introduced—669; **SJ**—771

Adopted—669; **SJ**—771

Enrolled—697

TITLE AND HISTORY OF HOUSE RESOLUTIONS

- HR 6001.** Organization of the House of Representatives, 2009. (O'Neal, Davis)
 Introduced—11
 Adopted—11
 Enrolled—151
- HR 6002.** Assignment of seats in House of Representatives, 2009. (O'Neal, Davis)
 Introduced—12
 Adopted—12
 Enrolled—180
- HR 6003.** Rules of the House of Representatives, temporary 2009 session. (O'Neal, Davis)
 Introduced—12
 Adopted—12
 Enrolled—180
- HR 6004.** Sub. for HR 6004 by Committee on Rules and Journal — Rules of House of Representatives, permanent rules of the 2009-2010 biennium. (O'Neal, Davis)
 Introduced—24, 110
 Referred—47
 Report of committee—89
 Final Action—149
 Enrolled—192
- HR 6005.** Assignment of seats in house of representatives, 2009 session. (O'Neal, Davis)
 Introduced—49
 Adopted—49
 Enrolled—180
- HR 6006.** Recognizing dedication of bronze braille flag to Kansas. (Mast)
 Introduced—64
 Adopted—64
 Enrolled—180
- HR 6007.** Kansas human resource day. (Commerce and Labor)
 Introduced—79
 Adopted—112
 Enrolled—146
- HR 6008.** Encouraging participation in the American Heart Association's Go Red for Women campaign. (Kuether)
 Introduced—124
 Adopted—126
 Enrolled—146
- HR 6009.** Recognizing Gene Amos. (Neighbor)
 Introduced—148
 Adopted—153
 Enrolled—180
- HR 6010.** Recognizing and congratulating Wolf Creek's license renewal. (Mast)
 Introduced—165
 Adopted—165
 Enrolled—223
- HR 6011.** Energy storage; requesting Corporation Commission to convene stakeholders to study; requesting Commission to establish method of cost recovery and earnings on investments. (Energy and Utilities)
 Introduced—222
 Referred—224
 Report of committee—310
 Committee of whole report—433
 Final Action—445
 Enrolled—657
- HR 6012.** Congratulating Pittsburg State University offensive coordinator Tim Beck. (Grant, Menghini)
 Introduced—226
 Adopted—229
 Enrolled—245
- HR 6013.** Congratulating Pittsburg State University football Head Coach Chuck Broyles. (Grant, Menghini)
 Introduced—226
 Adopted—230
 Enrolled—245
- HR 6014.** Assignment of seats in House of Representatives, 2009. (O'Neal, Davis)
 Introduced—229
 Adopted—229
 Enrolled—245
- HR 6015.** Urging the Congress of the United States to oppose any attempt to deny workers the fundamental right to a secret ballot in a union organizing election. (Federal and State Affairs)
 Introduced—242
 Referred—244, 322, 350
- HR 6016.** Encouraging participation in Kansas Public Health Week. (Gordon)
 Introduced—255
 Adopted—258
 Enrolled—269
- HR 6017.** Recognizing the Kansas Small Business Development Center's 2008 Businesses of the Year. (Hill)
 Introduced—267
 Adopted—267
 Enrolled—302
- HR 6018.** Encouraging the Kansas Electric Transmission Authority to continue to participate in dockets of the State Corporation Commission concerning the transmission of electricity in Kansas. (Energy and Utilities)
 Introduced—301
 Referred—304
 Report of committee—320
 Committee of whole report—432

Final Action—445

Enrolled—568

HR 6019. Urging the U.S. Food and Drug Administration to use caution in approving new vaccines such as Gardasil which has had a number of health problems including some deaths associated with the use of this vaccine. (Federal and State Affairs)

Introduced—348

Referred—350, 638

Report of committee—540

HR 6020. In memory of Richard Cameron. (Henry, 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, Hermanson, Hill, Hineman, Holmes, C., Holmes, M., Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, 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, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, Wolf, B., Wolf, K., Worley, Yoder, Navinsky)

Introduced—348

Adopted—451

Enrolled—568

HR 6021. Recognizing the American Diabetes Association Alert Day and endorsing the State Diabetes Plan. (Rhoades, Flaharty)

Introduced—367

Adopted—367

Enrolled—784

HR 6022. Supporting the continued development of the Airborne Laser Program and urging the United States Congress to supply the necessary funding. (Myers)

Introduced—398

Referred—401

Committee of whole report—432

Final Action—445

Enrolled—657

HR 6023. Congratulating the Kansas Medical Society on its 150th Anniversary. (Quigley, Davis,

Goico, Goyle, Hineman, Landwehr, Merrick, O'Neal, Ruiz, Siegfried, Tietze, Wetta)

Introduced—480

Adopted—484

Enrolled—657

HR 6024. Designating April as Minority Health Awareness Month. (McCray-Miller, Ballard, Finney, Garcia, Goico, Henderson, Ruiz, Sawyer, Talia, Winn)

Introduced—483

Adopted—483

Enrolled—657

HR 6025. Congratulating David DeMoss. (Grant)

Introduced—520

Adopted—670

Enrolled—709

HR 6026. Commemorating the twentieth anniversary of the sister-state relationship between the State of Kansas and the Province of Taiwan, Republic of China. (Merrick, O'Neal)

Introduced—566

Adopted—670

Enrolled—709

HR 6027. Congratulating the Wichita Heights High School boys' basketball team. (McCray-Miller)

Introduced—566

Adopted—566

Enrolled—657

HR 6028. In memory of Richard E. "Dick" Eckert. (Johnson)

Introduced—665

Adopted—670

Enrolled—709

HR 6029. Resolution commending and congratulating the groups who help raise awareness about Lyme disease. (Colloton)

Introduced—665

Adopted—665

Enrolled—695

HR 6030. Designating May 8 as Military Family Appreciation Day. (Williams)

Introduced—669

Adopted—699

Enrolled—716

HR 6031. Commemorating the 40th anniversary of Johnson County Community College. (Huntington, Benlon, Brown, A., Colloton, Donohoe, Furtado, Kiegerl, Kinzer, Kleeb, Merrick, Neighbor, Olson, Quigley, Rardin, Schwab, Siegfried, Slattery, Spalding, Talia, Wolf, K., Worley, Yoder)

Introduced—710

Adopted—710

Enrolled—778

HR 6032. Congratulating the Johnson County Community College women's half-marathon team. (Huntington, Benlon, Brown, A., Colloton, Donohoe, Furtado, Kiegerl, Kinzer, Kleeb, Merrick, Neighbor, Olson, Quigley, Rardin, Schwab, Siegfried, Slattery, Spalding, Talia, Wolf, K., Worley, Yoder)

Introduced—711

Adopted—711

Enrolled—778

HR 6033. Honoring University of Kansas Chancellor Robert E. Hemenway. (Huntington, Brown, T., Horst, Mah, McLeland, Moxley, Palmer, Prescott, Rhoades, Winn)

Introduced—718

Adopted—723

Enrolled—784

HR 6034. Congratulating and commending President Wefald on his tremendous accomplishments as President of Kansas State University. (Carlin, Hawk)

Introduced—719

Adopted—723

Enrolled—784

HR 6035. Honoring Pittsburg State University President Tom Bryant. (Huntington, Brown, T., Horst, Mah, McLeland, Moxley, Palmer, Prescott, Rhoades, Winn)

Introduced—720

Adopted—724

Enrolled—784

FINAL
HOUSE CALENDAR

No. 66

JANUARY 12, 2009 THROUGH JUNE 4, 2009

NUMERICAL SCHEDULE OF HOUSE BILLS - 2009

2001 Signed, Pub 4/23/09	2033 Engy & Util	2069 Appropriations
2002 Signed, St Bk	2034 Engy & Util	2070 Taxation
2003 Signed, St Bk	2035 Engy & Util	2071 Taxation
2004 Signed, Pub 4/2/09	2036 Engy & Util	S Sub
2005 Engy & Util	2037 Engy & Util	2072 Signed, Pub 5/28/09
2006 Higher Ed	2038 Engy & Util	Sub
2007 Signed, St Bk Sub	2039 Sen Judiciary	2073 Select Cmt KPERs
2008 Signed, St Bk	2040 General Orders	2074 Taxation Sub
2009 Taxation	2041 Insurance	2075 Insurance
2010 Signed, St Bk	2042 Judiciary	2076 Fed & St Aff
2011 General Orders	2043 Engy & Util	2077 Elections
2012 Engy & Util	2044 Insurance	2078 Taxation
2013 Engy & Util S Sub for Sub	2045 Signed, St Bk	2079 Sen Assess & Tax
2014 Vetoed	2046 Taxation	2080 Strick, Rule 1507 Sub
2015 Engy & Util	2047 Taxation	2081 Strick, Rule 1507
2016 Engy & Util	2048 Taxation	2082 General Orders
2017 Engy & Util	2049 Agri & Nat Res Sub	2083 Loc Govt
2018 Insurance	2050 Signed, St Bk	2084 Sen Judic
2019 Ag & Lg Trm Cr	2051 Engy & Util	S Sub
2020 Engy & Util	2052 Signed, Pub 4/23/09	2085 Signed, St Bk
2021 Engy & Util Sub	2053 Insurance	2086 Vet, Mil & Home Sec
2022 General Orders	2054 Signed, St Bk	2087 Appropriations
2023 Signed, St Bk	2055 Ag & Lg Trm Cr	2088 Insurance
2024 Engy & Util	2056 Ag & Lg Trm Cr	2089 Insurance
2025 Engy & Util	2057 Ag & Lg Trm Cr	2090 Select Cmt KPERs
2026 Signed, Pub 3/5/09	2058 Taxation	2091 Signed, St Bk
2027 Engy & Util	2059 Signed, St Bk	2092 Signed, St Bk
2028 Taxation Sub.	2060 Signed, St Bk	2093 Appropriations
2029 Sen Loc Govt	2061 Education	2094 Ag & Lg Trm Care
2030 Loc Govt	2062 Fed & St Aff	2095 Appropriations
2031 Loc Govt S Sub	2063 Strick, Rule 1507	
2032 Signed, St Bk	2064 Engy & Util	
	2065 Agri & Nat Res	
	2066 Strick, Rule 1507	
	2067 Strick, Rule 1507	
	2068 Signed, St Bk	

S Sub	2133 Transportation	2174 Taxation
2096 Signed, St Bk	2134 Signed, Pub	2175 Comm & Lab
S Sub	4/23/09	2176 Taxation
2097 Killed, Senate	2135 Transportation	2177 Engy & Util
2098 Signed, Pub	2136 Transportation	2178 Transportation
4/16/09	2137 Transportation	2179 Ed Bdgt
S Sub	2138 Transportation	2180 Sen Fed & State
2099 Signed, St Bk	2139 General Orders	2181 Education
2100 Corr & Juv Jus	2140 Sel. Cmt on	2182 Engy & Util
2101 Education	KPERS	2183 Ed Bdgt
2102 Strick, Rule 1507	2141 Comm & Lab	2184 Education
2103 Appropriations	2142 Signed, St Bk	2185 Signed, St Bk
2104 Education	Sub	2186 Fed & St Aff
2105 Appropriations	2143 Signed, St Bk	2187 Eco Dev Tour
2106 Select Cmt	2144 Appropriations	2188 Signed, St Bk
KPERS	2145 Transportation	2189 Taxation
2107 Select Cmt	2146 Strick, Rule 1507	2190 Taxation
KPERS	2147 Signed, St Bk	2191 Taxation
2108 Taxation	2148 Eco Devo Tour	2192 Taxation
2109 Judiciary	2149 Fed & St Aff	2193 Killed
2110 Strick, Rule 1503	2150 Taxation	2194 Gov Eff & Fisc
2111 Signed, St Bk	2151 Transportation	Ovst
2112 Judiciary	2152 Signed, St Bk	2195 Conf Comm
2113 Corr & Juv Jus	2153 Education	2196 Taxation
2114 Judiciary	2154 General Orders	2197 Signed, St Bk
S Sub	2155 Signed, St Bk	2198 Appropriations
2115 Conference	2156 Elections	2199 Education
2116 Engy & Util	2157 Signed, St Bk	2200 Education
2117 Engy & Util	2158 Signed, Pub	2201 Signed, St Bk
2118 Hlth Hum Serv	5/28/09	2202 Fed & St Aff
2119 Taxation	2159 Insurance	2203 Corr & Juv Jus
2120 Eco Devo Tour	2160 General Orders	2204 Judiciary
2121 Vetoed	2161 Hlth Hum Serv	2205 Fed & St Aff
2122 Transportation	2162 Signed, Pub	2206 Sen Fed & St
2123 Judiciary	5/29/09	2207 Signed, St Bk
2124 Loc Govt	2163 Hlth Hum Serv	2208 Judiciary
2125 Sen Loc Govt	2164 Senate Not	2209 Soc Serv Bdgt
S Sub	Passed	2210 Judiciary
2126 Signed, Pub	2165 Signed, St Bk	2211 Judiciary
4/30/09	2166 General Orders	2212 Transportation
2127 Engy & Util	2167 Judiciary	2213 Agri & Nat Res
2128 Insurance	2168 Judiciary	2214 Signed, St Bk
2129 Transportation	2169 Vet Mil Hom Sec	2215 Elections
2130 Conf Comm	2170 Transportation	2216 Elections
2131 Signed, Pub	2171 Signed, St Bk	2217 Judiciary
4/23/09	2172 Vetoed	2218 Comm & Lab
2132 Transportation	2173 Taxation	S Sub
		2219 Conf Comm

2220	Hlth & Hum Ser	2263	Judiciary	2308	Signed, St Bk
2221	Conf Comm	2264	Judiciary	2309	Agri & Nat Res
2222	Sen Ways Means	2265	Conference	2310	Sen Pub Hlth Wel
2223	Hlth & Hum Ser	2266	Judiciary	2311	Signed, St Bk
2224	Engy & Util		S Sub	2312	Comm & Lab
2225	Engy & Util	2267	Signed, St Bk	2313	Comm & Lab
2226	Judiciary	2268	Judiciary	2314	Judiciary
2227	Education	2269	Taxation	2315	Judiciary (re)
2228	Higher Ed	2270	Signed, St Bk	2316	Gov Eff & Fisc
2229	Hlth & Hum Ser	2271	Engy & Util		Ovst
2230	Hlth & Hum Ser	2272	Killed	2317	Gen Govt Bdgt
2231	Insurance	2273	Gen Gov Bdgt	2318	Agri & Nat Res
2232	Signed, St Bk	2274	Insurance	2319	Sen Assess & Tax
2233	Signed, Pub	2275	Sen Pub Hlth Wel		Sub
	4/16/09	2276	Soc Serv Bdgt	2320	Sen Ways Means
2234	Corr & Juv Jus	2277	Comm & Lab	2321	Signed, Pub
2235	General Orders	2278	Comm & Lab		4/2/09
2236	Signed, St Bk	2279	Comm & Lab	2322	Judiciary
2237	Education	2280	Appropriations	2323	Sen Pub Hlth Wel
2238	Comm & Lab	2281	Taxation	2324	Signed, St Bk
2239	Appropriations	2282	Loc Govt	2325	Sen Assess & Tax
2240	Engy & Util	2283	Con/Nonconcur	2326	Taxation
2241	Strick, Rule 1507	2284	Agri & Nat Res	2327	Taxation
2242	Ag & Lg Term Cr	2285	Soc Serv Bdgt	2328	Killed
2243	Strick, Rule 1507	2286	Insurance	2329	Insurance
2244	Strick, Rule 1507	2287	Killed	2330	Taxation
2245	Fin Inst	2288	Hlth & Hum Ser	2331	Signed, St Bk
2246	Judiciary	2289	Hlth & Hum Ser	2332	General Orders
2247	Loc Govt	2290	Insurance	2333	Corr & Juv Jus
2248	Taxation	2291	Hlth & Hum Ser	2334	Corr & Juv Jus
2249	Gov Eff & Fisc	2292	Signed, St Bk	2335	Corr & Juv Jus
	Ovst	2293	Judiciary	2336	Taxation
2250	Killed, CCR not	2294	Comm & Lab	2337	Taxation
	adopt		S Sub	2338	Education
2251	Engy & Util	2295	Signed, St Bk		Sub
2252	Higher Ed	2296	Agri & Nat Res	2339	Signed, Pub
2253	Loc Govt	2297	Signed, St Bk		4/2/09
2255	Agri & Nat Res	2298	Higher Ed		Sub
2255	Transportation	2299	Sen Transp	2340	Senate Judic
2256	Elections	2300	Taxation	2341	Gen Gov Budget
2257	Comm & Lab	2301	Comm & Lab	2342	Agri & Nat Res
2258	Signed, St Bk	2302	Taxation	2343	Signed, St Bk
2259	Killed	2303	Judiciary	2344	Hlth & Hum Ser
	S Sub	2304	Transportation	2345	Insurance
2260	Signed, St Bk	2305	Judiciary	2346	Taxation
2261	Taxation	2306	Taxation	2347	Transportation
2262	Appropriations	2307	Education	2348	Taxation

2349 Taxation	S Sub	2387 Trans Pub Safe
2350 Insurance	2369 Signed, Pub	Bdgt
2351 Fed & St Aff	5/28/09	2388 Sen Assess & Tax
2352 Taxation	2370 Gen Gov Bdgt	2389 Fed & St Aff
2353 Sen Assess & Tax	2371 Taxation	2390 Insurance
S Sub	2372 Appropriations	2391 Fed & St Aff
2354 Signed, Line Item	S Sub	2392 Judiciary
Veto, Pub 5/21/09	2373 Signed, Line Item	2393 Judiciary
2355 Appropriations	Veto, Pub 6/11/09	2394 Taxation
2356 Sen Pub Hlth Wel	2374 Signed, St Bk	2395 Appropriations
2357 Education	2375 Taxation	2396 Appropriations
2358 Eco Devo Tour	2376 Judiciary	2397 Corr & Juv Jus
2359 Signed, Pub	2377 Agri & Nat Res	2398 Taxation
4/23/09	2378 Taxation	2399 Sel Comm KPERS
2360 Sen Ways Means	2379 Taxation	2400 Sel Comm KPERS
2361 Appropriations	2380 Taxation	2401 Appropriations
2362 Agri & Nat Res	2381 Judiciary	2402 Energy and
2363 Judiciary	2382 General Orders	Utilities
2364 Judiciary	2383 Sen Ways Means	2403 Appropriations
S Sub for Sub	2384 Agri & Nat Res	2404 Taxation
2365 Signed, Pub	Bdgt	2405 Taxation
5/28/09	2385 Agri & Nat Res	2406 Taxation
2366 Signed, St Bk	2386 Agri & Nat Res	2407 Taxation
2367 Insurance	Bdgt	
2368 Taxation		

**NUMERICAL SCHEDULE OF HOUSE CONCURRENT RESOLUTIONS -
2009**

5001 Adopted, Enr	5010 Killed	5019 Taxation
5002 Adopted, Enr	5011 Taxation	5020 Adopted, Enr
5003 Fed & St Aff	5012 Sen Nat Res	5021 Adopted, Enr
5004 General Orders	5013 Sen Nat Res	5022 General Orders
5005 Judiciary	5014 Transportation	5023 Adopted, Enr.
5006 Elections	5015 Adopted, Enr	
5007 Adopted, Enr	5016 Appropriations	
5008 Sen Local Govt	5017 General Orders	
5009 Vet Mil & Hom	5018 Adopted, Enr	
Sec		

NUMERICAL SCHEDULE OF HOUSE RESOLUTIONS - 2009

6001 Adopted, Enr	6014 Adopted, Enr	6027 Adopted, Enr
6002 Adopted, Enr	6015 Fed & St Aff	6028 Adopted, Enr
6003 Adopted, Enr	6016 Adopted, Enr	6029 Adopted, Enr
Sub	6017 Adopted, Enr	6030 Adopted, Enr
6004 Adopted, Enr	6018 Adopted, Enr	6031 Adopted, Enr
6005 Adopted, Enr	6019 Hlth & Hum Serv	6032 Adopted, Enr
6006 Adopted, Enr	6020 Adopted, Enr	6033 Adopted, Enr
6007 Adopted, Enr	6021 Adopted, Enr	6034 Adopted, Enr
6008 Adopted, Enr	6022 Adopted, Enr	6035 Adopted, Enr
6009 Adopted, Enr	6023 Adopted, Enr	
6010 Adopted, Enr	6024 Adopted, Enr	
6011 Adopted, Enr	6025 Adopted, Enr	
6012 Adopted, Enr	6026 Adopted, Enr	
6013 Adopted, Enr		

NUMERICAL SCHEDULE OF SENATE BILLS - 2009

1 Passed	40 Passed	70 P Am, Sen Con
H Sub	41 CCR Adopted	71 Elections
3 Elections	H Sub	72 P Am, Sen Con
5 Passed	43 Ag & Lg Trm	73 Appropriations
6 Judiciary	Care	74 Education Budget
8 Passed	44 CCR Adopted	75 Local Govt
9 P Am, Sen Con	45 CCR Adopted	77 Passed
11 CCR Adopted	46 Passed	78 Passed
14 Passed	48 Engy and Util	79 Elections
16 Passed	49 Insurance	80 P Am, Sen Con
19 CCR Adopted	50 Passed	82 Passed
H Sub	H Sub	83 Hlth & Hum Ser
22 General Orders	51 CCR Adopted	84 CCR Adopted
H Sub for Sub	53 P Am, Sen Con	85 P Am, Sen Con
23 CCR adptd; Line	54 Eco Dev & Tour	86 Passed
Item Veto	55 Elections	87 CCR Adopted
25 Hth & Hum Ser	56 Elections	89 Sub Stricken
26 Corr & Juv Jus	Sub	H Sub
28 CCR Adopted	58 Engy and Util	91 P Am, Sen Con
29 P Am, Sen Con	59 Transportation	92 Judiciary
30 Conf Comm	60 P Am, Sen Con	93 Judiciary
H Sub	61 Passed	94 Judiciary
31 Stricken	62 Health & Human	H Sub
33 CCR Adopted	Ser	95 General Orders
34 P Am, Sen Con	64 P Am, Sen Con	97 CCR Adopted
35 CCR Adopted	66 CCR Adopted	H Sub
37 Stricken	68 CCR Adopted	98 CCR Adopted
38 Passed	69 Agri & Nat Res	102 P Am, Sen Con
39 P Am, Sen Con		

103 Elections	168 CCR Adopted	240 Passed
105 Stricken	171 CCR Adopted	241 Fin Inst
108 Passed	173 Hlth & Hum Ser	247 Fed & St Aff
115 Passed	174 Insurance	248 General Orders
Sub	175 Passed	249 Hlth & Hum Ser
117 Elections	178 P Am, Sen Con	253 P Am, Sen Con
118 Local Govt	183 Stricken	H Sub
119 Stricken	Sub	254 Conf Comm
120 Passed	184 GeneralOrders	255 Taxation
122 Passed	187 Passed	H Sub
123 Passed	200 Hlth & Hum Ser	257 Sub P Am, Sen
H Sub	201 Vet Mil & Hom	Con
126 Insurance	Sec	260 Insurance
131 Conf Comm	203 Passed	262 Hlth & Hum Ser
132 P Am, Sen con	204 P Am, Mat Chgd,	268 Elections
134 CCR Adopted	Sen Fed & State	269 Judiciary
135 Passed	H Sub	274 Eco Dev & Tour
137 Passed	205 General Orders	275 P Am, Sen Con
138 Taxation	212 CCR Adopted	285 Engy and Util
139 Stricken	213 Fed & St Aff	290 Passed
H Sub	Sub	293 Transportation
145 CCR Adopted	214 Agri & Nat Res	297 Elections
146 Appropriations	215 Agri & Nat Res	298 Engy and Util
147 General Orders	H Sub	299 Engy and Util
148 Passed	218 Sub passed, Sen	300 Transportation
152 Transportation	con, Vetoed	302 Transportation
153 Transportation	219 Passed	306 Fed & St Aff
154 CCR Adopted	Sub	307 Agri & Nat Res
156 Passed	220 Trans Pub Saf	310 Judiciary
158 P Am, Sen Con	Bdgt	Sub
159 Stricken	223 Judiciary	311 Approps
160 CCR Adopted	224 Judiciary	312 Taxation
161 CCR Adopted	225 CCR Adopted	313 Appropriations
H Sub	228 Passed	316 Agri & Nat Res
162 Stricken	237 P Am, Sen Con	324 Comm & Lab
163 P Am, Sen Con	H Sub	326 Appropriations
H Sub	238 Sub P, Sen Con	336 P Am, Sen Con

**NUMERICAL SCHEDULE OF SENATE CONCURRENT RESOLUTIONS-
2009**

1601 CCR Adopted	1611 Adopted
1602 Taxation	1614 Appropriations
1604 Adopted	1616 Appropriations
1606 Adopted	1617 General orders
1610 Adopted	1618 Transportation

**SUMMARY OF ACTIONS ON HOUSE BILLS
AND CONCURRENT RESOLUTIONS**

House bills introduced in the 2009 session	407
House bills passed both houses and presented Governor	71
House bills signed by Governor	68
House bills becoming law without Governor's signature	0
House bills signed with line item vetoes (HB 2354, HB 2372) ..	2
House bills vetoed by Governor (HB 2014, HB 2121, HB 2172)	3
House bills killed in House	15
House bills killed in Senate	2
Total	88
House bills carried over to 2009 session	
House bills in House committee	277
House bills in Senate committees	21
House bills in conference committees	6
House bills on House calendar	15
House bills on Senate calendar	0
Total	319
Total	407
House concurrent resolutions introduced in 2009 session	23
House concurrent resolutions adopted by both houses	8
House concurrent resolutions killed in House	1
House concurrent resolutions killed in Senate	0
House concurrent resolutions carried over to 2009	
House concurrent resolutions in House committees	8
House concurrent resolution son House calendar	3
House concurrent resolutions in Senate committee	3
Total	14
House resolutions introduced in 2009 session	35
House resolution adopted	33
House resolutions dying in committee	2
House resolution dying on Calendar	0
Total	35

**MESSAGES FROM THE GOVERNOR, APPOINTMENTS, GUESTS,
COMMUNICATIONS FROM STATE OFFICERS,
IN THE 2009 HOUSE JOURNAL**

APPOINTMENTS

Susan Kannarr as Chief Clerk, p. 8.
Wayne Owen as Sergeant-at-Arms, p. 8.
Committee assignments, pp. 54-56.
Committee assignment changes, p. 76.
Committee assignment changes, p. 81.
Committee assignment changes, p. 110.
Committee assignment change, p. 145.
Joint Committee assignments, pp. 145-146.
Committee assignment changes, p. 162.
Committee assignment change, p. 172.
Committee assignment changes, p. 238.
Committee assignment changes, p. 269.
Committee assignment changes, p. 667.
Committee assignment change, p. 706.

SPECIAL REMARKS

Rep. O'Neal, upon his election as Speaker of the House, pp. 6-8.
Rep. Siegfried, upon his election as Speaker pro tem, pp. 8-9.
Rep. Merrick, upon his election as Majority Leader, pp. 9-10.
Rep. Davis, upon his election as Minority Leader, pp. 10-11.
Address of Chief Justice Robert E. Davis to the Joint Session, pp. 141-144.

RULES

Temporary rules of the House, as outlined in **HR 6003**, pp. 12-14.
Permanent rules of the House, as outlined in **HR 6004**, pp. 24-45; amended by committee, pp. 89-110; adopted, p. 149.
Adopted joint rules, pp. 149-150.

SPECIAL GUESTS

Speaker O'Neal introduced Dr. Terry Lee Mills, President of the Kansas Association of Family Physicians, sponsors of the Doctor of the Day program, p. 15.
Rep. Donohoe introduced the Asics Mid America Volleyball club of Overland Park, who won the gold medal at the 2008 National Junior Olympic Volleyball Tournament in Dallas, Texas, p. 46.
Rep. Swanson introduced Chapman mayor Bob Gaetz, City Councilman Phil Weishaar, and City Clerk Marietta Lucas, p. 70.
Rep. King introduced the 2008 West Elk High School boys' track and field team, winners of the 2A State Championship in track and field. With the team was 2A Boys Track Coach of the Year, Pat Simmons, pp. 84-85.
Rep. Hill introduced the following who are with KanBikeWalk: Gina Poertner, President, of Emporia; Mark Rainey, board member of Kansas City; Diane Novak, board member of Manhattan; Ron Johnson, member of Kansas City; Randy Rasa, board member of Kansas City, p. 115.
Reps. Tafanelli and Meier welcomed the International Officers from Fort Leavenworth, who were touring the Capitol today, p. 134.
Rep. Grange introduced the coaches and team members of the Butler Community College football team, winners of two back-to-back national championships, pp. 147-148.
Reps. Neighbor and Benlon introduced former Representative Gene Amos, his wife, Margaret, and others, pp. 153-154.
Rep. Bowers introduced Captain Aaron P. Isaacson of the United States Army and Kansas National Guard, p. 181.

Rep. Kiegerl introduced Audrey Baker, Katie Weil, teachers from Gardner/Edgerton School District USD 231 and Principals Mark Meyer and Lachelle Sigg. Also, Dr. Suzanne Blair, recipient of 2008 American Star Teacher award, p. 193.

Rep. Powell introduced Connie Richmeier, recently elected as the President of the National Conservation District Employees Association, p. 225.

Rep. Crum introduced Emily Deaver, Augusta, who is Miss Kansas for 2008, p. 225.

Rep. Grant introduced Pittsburg State University assistant coach and offensive coordinator Tim Beck who is honored in **HR 6012**, p. 229.

Rep. Menghini introduced Pittsburg State University head football coach Chuck Broyles who is honored in **HR 6013**, p. 230.

Rep. Bethell introduced Betsy Dutton, coach of the Sterling High School debate team, and members Eric Hostetler, Brett Smith, Anna Brashear, Daniel Skucius and Sam Leake, p. 244.

Rep. Phelps introduced Curt and Christie Brungardt, parents of Jana Mackey, a University of Kansas law student who was murdered in July. Reps. Phelps and Ballard recognized her contribution to many women's issues. p. 264-265.

Rep. Ballard introduced Trei J. Dudley, representing the Boys & Girls Club of Lawrence, and recipient of the 2009 Kansas Youth of the Year award, p. 270.

Rep. Dillmore introduced young people who participated in illustrating the book, *Kansas Critters: Mammals*. They were Christin Gillman, Hannah Gillman, Amanda Gillman, Micah Gillman, Jamie Gillman, Gabe Butel, Calvary Lyle, and Chelsea Moore. They were accompanied by the President of Friends of the Great Plains Nature Center, Carolyn Lindsey from Wichita, pp. 295-296.

Rep. Lukert introduced the B & B High School football team, winners of State Championship in football, p. 313-314.

Rep. Tietze introduced the Hayden High School girl's golf team, including the following: Lauren Falley, Brooke LaRue, Morgan Trobough, Courtney Koehn, Janet Lierz, and Gracie Bagley, p. 401.

Rep. Lane introduced the Highland Park High School Scots basket ball team, winners of the 2009 5A State Championship. Coaches Ken Darting, Jim Bauersfeld, Mike Calhoun, Michael Jackson, and Reid Hein accompanied the team, as well as Principal Dale Cushinberry, Associate Principal, Jaimie Cueves and Athletic Director, Toby Melster, p. 441.

Rep. Menghini introduced the family of Dick Webb, the founder of Watco Companies, who recently died. The family included Dick's wife, Kay Lynne, daughter Susie Lundy, and son Rick Webb, p. 521.

Rep. McCray-Miller introduced the Wichita Heights Falcon boys' basketball team who won the Class 6A State Championship, p. 521

Rep. Mah introduced her first grandchild, Madison Riley Mah, p. 592.

Rep. Mitch Holmes introduced the members of the St. John Tigers, who won the 1A State Championships for both volleyball and basketball, pp. 658-659.

Rep. Fund introduced Ms. Wheelchair Kansas Amanda Steiner, p. 659.

Rep. Ballard introduced University of Kansas Debate Team, winners of the National Debate Tournament Championship: Brett Bricker and Nate Johnson. Also introduced was coach Scott Harris, 2006 National Coach of the Year, p. 659.

Rep. Bethell introduced Major Robert Livingston Ober and his wife Sarah. Major Ober is currently enrolled at the US Army Command and General Staff College, after returning from Afghanistan, pp. 668-669.

Reps. Kerschen, Hawk and Carlin introduced members of the 2009 Soils Judging Team from Kansas State University, pp. 698-699.

Rep. Huntington introduced Dr. Terry Calaway, President of Johnson County Community College, p. 711.

Rep. Huntington introduced team members of the Half Marathon Championships in Shawnee, hosted by Johnson County Community College, p. 712.

Reps. Ballard and Davis introduced Chancellor Robert E. Hemenway of the University of Kansas, p. 723.

COMMUNICATIONS FROM STATE OFFICERS

From Ron Thornburgh, Secretary of State, certification of Patrick Maloney, Representative for the unexpired term District 116, pp. 4-5.

From Ron Thornburgh, Secretary of State, certification of the members of the House of Representatives for a two-year term beginning Monday, January 12, 2009, pp. 5-6.

From the Kansas Insurance Department, in accordance with K.S.A. 46-1212c, the 2007 Annual Report, p. 16.

From Buck Consultants, the Actuarial Review Report for Kansas Public Employees Retirement System, p. 16.

From Molly McGovern, Administrator for the Bi-State Commission, the 2007 Annual Report and Comprehensive Annual Financial Report for the Kansas and Missouri Metropolitan Culture District Commission, p. 16.

From Bob Page, President and Chief Executive Officer of The University of Kansas Hospital Authority, the Operating and Financial Statement for Fiscal Year 2008, p. 16.

From Juliene Maska, Administrator, Governor's Grant Program, the 2009 Wireless Enhanced 911 Annual Report, p. 16.

From Stephen N. Six, Attorney General, the 2008 statistical report of concealed carry licenses issued, revoked, suspended, and denied, p. 16.

From Glenn Deck, Executive Director of Kansas Public Employees Retirement System, the Annual Report for the fiscal year ending June 30, 2008, p. 16.

From Stephen N. Six, the 2007 Annual Report of the Consumer Protection and Antitrust Division, p. 16.

From Lynn Jenkins, State Treasurer, the 2008 Fiscal Year Report to the Kansas Legislature, p. 16.

From Elizabeth B.A. Miller, Director of Investments, the Annual Report of the Pooled Money Investment Board for Fiscal Year 2008, p. 16.

From the Office of Governor Kathleen Sebelius:

Executive Order No.08-06, reformulating the composition and purpose of the Kansas Energy Council, p. 16.

Executive Directive No. 08-388, Authorizing Personnel Transactions and Expenditures of Federal Funds, p. 16.

Executive Directive No. 08-389, Authorizing of Federal Funds, p. 16.

Executive Directive No. 08-390, Authorizing Expenditure of Federal Funds, p. 16.

Executive Directive No. 08-391, Authorizing Personnel Transactions, p. 16.

Executive Directive No. 08-392, Authorizing Personnel Transactions, p. 16.

Executive Directive No. 08-393, Authorizing Expenditure of Federal Funds, p. 16.

Executive Directive No. 08-394, Authorizing Expenditure of Federal Funds, p. 16.

Also, from Robert E. Blecha, Director, Kansas Bureau of Investigation, in compliance with K.S.A. 60-4117, report regarding the status of the KBI State Forfeiture Fund, p. 16.

From Roger Werholtz, Secretary, Kansas Department of Corrections, pursuant to K.S.A. 75-52,112, report on the Kansas Community Corrections Statewide Risk Reduction Initiative, p. 16.

From Doug Louis, Director, Conservation Division, Kansas Corporation Commission, Abandoned Oil & Gas Well Remediation Site Status Report, p. 16.

From Helen Pedigo, Executive Director, Kansas Sentencing Commission, 2009 Report to the Legislature, p. 16.

From Kathleen Sebelius, Governor, pursuant to K.S.A. 22-3703, reporting the only pardon granted for 2008 of Benito Carrillo, Jr. II., p. 47.

From Tracy Streeter, Director, Kansas Water Office, 2009 Annual Report to the Governor and Legislature, p. 47.

From Major General Tod M. Bunting, Adjutant General, Annual Report 2008 for the Kansas Adjutant General's Department, p. 47.

From Carl Dean Holmes, Chairperson, Kansas Electric Transmission Authority, 2008 Annual Report to the Governor and the Legislature, p. 49.

From the Adjutant General, Annual Report for 2008 of the Adjutant General's Department, p. 49.

From Stephen R. Weatherford, President, Kansas Development Finance Authority, Annual Report for fiscal year ended June 30, 2008, p. 49.

From Thomas E. Wright, Chairman, Kansas Corporation Commission, as directed by 2008 SB 570, Section 6(a), report concerning the availability of Broadband services in the State of Kansas, p. 49.

From Dennis McKinney, State Treasurer, as required by K.S.A. 75-650, Kansas Investments Developing Scholars Matching Grant Program report, January 15, 2009, p. 50.

From Thomas E. Wright, Chairman, Kansas Corporation Commission, Report to the 2009 Legislature Concerning the Pay Stations for Utility Payments in the State of Kansas, p. 52.

From Russell Jennings, Chair, Kansas Substance Abuse Policy Board, January 2009 Report, p. 62.

From J. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks, in accordance with K.S.A. 32-844 and 32-845, Land Acquisition and Lease Renewal Report, January 5, 2009, p. 64.

From Kent E. Olson, Director, Division of Accounts and Reports, Kansas Department of Administration, Comprehensive Annual financial Report, July 1, 2007 to June 30, 2008, p. 69.

From Tom Thornton, President and CEO, Kansas Bioscience Authority, 2008 Progress Report Focused Strategy, Big Results, p. 74.

From Professor Tom Stacy, Chairman, and Ed Klumpp, Vice-Chairman, Kansas Criminal Code Recodification Commission, 2008 Interim Report to the Kansas Legislature, January 2009, p. 83.

From Sandy Praeger, Commissioner, Kansas Insurance Department, in accordance with K.S.A. 44-566(a), The Kansas Workers' Compensation Fund, Fiscal Year End Report, 2008, p. 83.

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- H 2075 Providing insurance coverage for colorectal cancer screening.
 H 2245 Fair credit reporting act, credit freeze.
 HCR 5003 Kansas constitutional amendment; equal rights; no discrimination based on sex.
 HR 6020 In memory of Richard Cameron.
 HR 6023 Congratulating the Kansas Medical Society on its 150th Anniversary.
 HR 6031 Commemorating the 40th anniversary of Johnson County Community College.
 HR 6032 Congratulating the Johnson County Community College women's half-marathon team.

Rardin, Gene

- H 2075 Providing insurance coverage for colorectal cancer screening.
 H 2245 Fair credit reporting act, credit freeze.
 HCR 5003 Kansas constitutional amendment; equal rights; no discrimination based on sex.
 HR 6020 In memory of Richard Cameron.
 HR 6031 Commemorating the 40th anniversary of Johnson County Community College.
 HR 6032 Congratulating the Johnson County Community College women's half-marathon team.

Rhoades, Marc

- H 2150 Property taxation; 2% limit on valuation increases.
 H 2276 Healthy marriages and strong families grant program based on the temporary assistance for needy family block grant.
 HR 6020 In memory of Richard Cameron.
 HR 6021 Recognizing the American Diabetes Association Alert Day and endorsing the State Diabetes Plan.
 HR 6033 Honoring University of Kansas Chancellor Robert E. Hemenway.
 HR 6035 Honoring Pittsburg State University President Tom Bryant.

Roth, Charles

- HR 6020 In memory of Richard Cameron.

Ruiz, Louis E.

- H 2075 Providing insurance coverage for colorectal cancer screening.
 HCR 5003 Kansas constitutional amendment; equal rights; no discrimination based on sex.
 HR 6020 In memory of Richard Cameron.
 HR 6023 Congratulating the Kansas Medical Society on its 150th Anniversary.
 HR 6024 Designating April as Minority Health Awareness Month.

Sawyer, Tom

- H 2075 Providing insurance coverage for colorectal cancer screening.
 HR 6020 In memory of Richard Cameron.
 HR 6024 Designating April as Minority Health Awareness Month.

Schroeder, Don

- HR 6020 In memory of Richard Cameron.

Schwab, Scott

- H 2039 Identification of defendant by unique DNA profile sufficient for reasonable certainty requirement of warrant.
 H 2040 Giving the Kansas parole board the authority to defer subsequent parole hearings for up to 20 years for crimes involving two or more victims or a minor.
 HR 6020 In memory of Richard Cameron.
 HR 6031 Commemorating the 40th anniversary of Johnson County Community College.
 HR 6032 Congratulating the Johnson County Community College women's half-marathon team.

Schwartz, Sharon

- HR 6020 In memory of Richard Cameron.

Seiwert, Joe

- HR 6020 In memory of Richard Cameron.

Shultz, Clark

- HR 6020 In memory of Richard Cameron.

Siegfried, Arlen H.

- H 2011 Abortion; reporting; late term abortions reporting.
 H 2150 Property taxation; 2% limit on valuation increases.
 HR 6020 In memory of Richard Cameron.

Siegfreid, Arlen H.—*Concluded*

- HR 6023 Congratulating the Kansas Medical Society on its 150th Anniversary.
 HR 6031 Commemorating the 40th anniversary of Johnson County Community College.
 HR 6032 Congratulating the Johnson County Community College women's half-marathon team.

Slattery, Mike

- HR 6020 In memory of Richard Cameron.
 HR 6031 Commemorating the 40th anniversary of Johnson County Community College.
 HR 6032 Congratulating the Johnson County Community College women's half-marathon team.

Sloan, Tom

- H 2061 Board of professional educators.
 H 2075 Providing insurance coverage for colorectal cancer screening.
 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.
 HCR 5014 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
 HR 6020 In memory of Richard Cameron.

Spalding, Sheryl

- H 2075 Providing insurance coverage for colorectal cancer screening.
 H 2245 Fair credit reporting act, credit freeze.
 HR 6020 In memory of Richard Cameron.
 HR 6031 Commemorating the 40th anniversary of Johnson County Community College.
 HR 6032 Congratulating the Johnson County Community College women's half-marathon team.

**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.
 H 2297 Geriatric medicine; approved postgraduate training program for KU medical school and doctor of osteopathy loan programs.
 H Sub for S 31 Expanding authority of the state long-term care ombudsman; establishing advisory committee on options within the home.
 H Sub for S 43 Adding power of attorney violations to the enumerated acts constituting the crime of mistreatment of a dependent adult.

Agriculture and Natural Resources

- H 2049 Hunter safety orientation programs in schools.
 H 2050 Adjusting fees for water rights, applications for term permits for appropriating water.
 Sub for H 2050 Adjusting fees for water rights, applications for term permits for appropriating water.

**State Legislature, House Committees
(Various)—*Continued***

- H 2063 Adjusting fees imposed by the secretary of agriculture for weights and measures services.
 H 2080 Solid waste tire management fund.
 H 2081 Fixing fees charged by the secretary of agriculture for milk and dairy products.
 Sub for H 2081 Fixing fee charged by the secretary of agriculture for milk and dairy products.
 H 2121 Agriculture; fertilizer and pesticides, fees; dairy products, fees and labeling; swine waste.
 H 2213 Loan agreements pursuant to the veterinary training program for rural Kansas.
 H 2241 Requiring well identification signs be placed on or near certain oil or gas wells.
 HCR 5004 Urging Congress to oppose federal legislation interfering with a state's ability to direct the transport or processing of horses.
 H Sub for S 51 Annexation procedures; de-annexation.
 H Sub for S 254 Cities; restrictions on annexation.

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; 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.
 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; uniform accounting system for the recording and reporting of receipts and expenditures.
 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.

State Legislature, House Committees
(Various)—Continued

- H 2280 School districts; capital improvement and capital outlay state aid.
- 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 2331 State treasurer; investment of state moneys.
- 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.
- Sub for H 2340 Legislative review of parole board factors and rationale for granting or denying parole.
- H 2341 Requiring state agencies to use moneys appropriated for employees salaries on state employee salaries.
- H 2342 Establishing a special season for archery for taking of deer within Shawnee Mission park.
- H 2343 Nurses; licensure; qualifications.
- 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 children of military personnel.
- H 2350 Right of participation of persons licensed to practice medicine and surgery as providers in health benefit programs.
- H 2351 Abolishing the death penalty.
- H 2354 Claims against the state.
- 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 enrollment.
- H 2359 Cosmetology board written renewal examination information booklet.
- 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 sexually violent predators in any one county on transitional release or conditional release.
- H 2364 Court procedure; time limitations for filing.
- H 2369 Appropriations for FY 2010 and FY 2011 for capital improvements for various state agencies.
- H 2370 Priority for payment of salaries and wages for state officers and employees payroll obligations.
- H 2371 Taxation of motor vehicles; relating to exemptions for certain disabled veterans.
- H 2372 Construction contracts; professional services.
- H 2373 Appropriations for FY 2010 through FY 2013 for various state agencies.
- H 2376 Emergency management; immunity from liability.
- H 2377 Kansas pet animal act; transferring duties and powers.
- H 2381 Adjusting docket fees for FY 2009 and FY 2010.
- H 2383 Transferring moneys from certain fee funds to the state general fund.
- H 2384 State water plan fund.

State Legislature, House Committees
(Various)—Continued

- H 2385 Commissioner of juvenile justice to convey certain land to the Kansas department of wildlife 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 general fund for administrative costs.
- H 2390 Accident and health insurance, continuation of coverage.
- H 2394 Income tax credit for expenditures to make facilities accessible to individuals with a disability.
- 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 KPERs, increasing employer contributions.
- H 2401 Removing the cap on cumulative amounts paid to the bioscience development and investment fund.
- H 2403 Transparency and accountability in purchasing and state spending act.
- H 2404 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 services program income tax credit and time of payment and returns for mineral severance tax.
- HCR 5016 Urging Kansas school districts to use carefully the federal stimulus funds received.
- H Sub for S 22 Omnibus appropriation act and omnibus reconciliation spending limit bill for the 2009 regular session.
- H Sub for S 205 Omnibus appropriation act and omnibus reconciliation spending limit bill for the 2009 regular session.
- Commerce and Labor*
- H 2041 Title insurance, amending K.S.A. 40-2404.
- H 2067 Kansas home inspectors registration board; removing the secretary of state as custodian of the board's records.
- H 2068 Real estate brokers and salespersons; licensure; deactivation.
- H 2141 Employment security law, benefits; school bus drivers.
- H 2142 Cities; continuing education requirements for plumbers, electricians and certain mechanical contractors.
- H 2238 Amending the fairness in private construction contract act and the fairness in public construction contract act regarding retainage.
- H 2260 Amendments to the Kansas home inspectors professional competency and financial responsibility act.
- H 2301 Enacting the elevator safety act.
- Sub for H 2339 Concerning certified public accounts, mobility, practice privilege, powers of the board of accountancy and peer review.

State Legislature, House Committees
(Various)—Continued

- HR 6007 Kansas human resource day.
H Sub for S 91 Planning and zoning; vesting of development rights.

Corrections and Juvenile Justice

- H 2059 Proceeds derived from violation of the uniform controlled substances act or any substantially similar offense from another jurisdiction.
H 2060 Violation of battery against a law enforcement officer causing bodily harm, sentence is presumed imprisonment.
H 2096 Electronic solicitation, child 14 to 16 years of age.
H 2097 Criminal jury trials, alternate or additional juror selection.
H 2098 Kansas rape shield law, adding aggravated trafficking and electronic solicitation.
H 2099 Withdrawal of guilty plea, time limitation.
H 2100 Unlawful sexual relations includes clergy when victim is being counseled.
H 2207 Criminal procedure, costs associated with supervision of the conditions of release of the appearance bond.
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 2232 Authorizing increased membership for corrections advisory boards.
H 2233 Criminal procedure; withdrawal of guilty plea, time limitation; alternate or additional juror selection; tolling speedy trial time during appeal by the prosecution.
H 2234 Sexual abuse, sex offenses, intent.
H 2235 Fleeing or eluding a police officer; appropriately marked official vehicle or bicycle.
H 2236 Recodification of certain drug crimes.

Economic Development and Tourism

- H 2120 Creating the Kansas tourism corporation.

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 at-risk pupils.
HCR 5015 Dyslexia and other reading problems; the state board of education to take certain actions.
H Sub for S 162 School districts; disability history and awareness.

State Legislature, House Committees
(Various)—Continued

Elections

- H 2066 Elections; HAVA compliance, voter identification requirements, party affiliation declaration.
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 2244 Campaign finance; report of unitemized contributions.
HCR 5010 Constitutional amendment providing method for filling vacancies in executive offices.
H Sub for S 3 Elections; voters; photo identification required; free photo identification, certain persons.

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 2014 Granting authority to the Kansas Electric Transmission Authority (KETA) to establish and charge reasonable fees for use of facilities owned, financed or administered and services rendered by KETA.
Sub for H 2014 Energy conservation and efficiency; electric generation and transmission; air emissions.
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 units.
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 utility.
H 2024 Requiring the KCC to coordinate with the Southwest Power Pool to create a statewide balancing 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 2126 Requiring telecommunications providers to provide call location in emergency situations.
- 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 act.
- 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 Procedures for release of certain property of rural water districts.
- 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.
- HR 6011 Requesting the State Corporation Commission to convene a group of stakeholders to study certain aspects of energy storage and to address cost recovery for and earnings on investments relating to energy storage.
- HR 6018 Encouraging the Kansas Electric Transmission Authority to continue to participate in dockets of the State Corporation Commission concerning the transmission of electricity in Kansas.

Federal and State Affairs

- H 2062 Cereal malt beverages; alcohol content, regulation by ABC, retailers authorized to sell, taxation.
- H 2082 Musical performing groups; advertising; restrictions.
- 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.

State Legislature, House Committees
(Various)—*Continued*

- H 2310 Long-term care partnership program; exchange of policies.
- H 2311 Authorizing licensed private detectives to serve process statewide.
- H 2312 Workers compensation, caps on damages and death benefits.
- H 2313 Employment security law, time to respond to examiner's notice of claim and to notices of appeal.
- H 2322 In a wrongful death action, person also means an unborn child.
- H 2323 Adult care homes, home health agencies; employees; criminal history information.
- H 2332 Recodification of certain drug crimes; quantities of drugs; proportionality of sentencing.
- H 2333 Creating the crime of use of a controlled substance endangering a child.
- H 2334 Consecutive sentencing for off-grid and on-grid convictions.
- H 2335 Repealing the crime of domestic battery; battery includes domestic battery; domestic violence designation on criminal offenses; pleas.
- H 2339 Amending accountancy statutes regarding licensure of firms and individuals, fees, practice privilege and peer review.
- H 2366 All-inclusive care for the elderly (PACE) program.
- 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 economic justification.
- H 2402 Fair pricing of crude oil act.
- 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.
- HR 6015 Urging the Congress of the United States to oppose any attempt to deny workers the fundamental right to a secret ballot in a union organizing election.
- HR 6019 Urging the U.S. Food and Drug Administration to use caution in approving new vaccines such as Gardasil which has had a number of health problems including some deaths associated with the use of this vaccine.
- H Sub for S 218 Amendments to late term and partial birth abortion laws.
- H Sub for S 238 Amendments to woman's right-to-know act.

Financial Institutions

- H 2091 Exempting modular homes from Kansas manufactured housing act.
- H 2092 Prohibiting transfer fee covenants.
- H 2114 Uniform commercial code, payment of year old check.
- H 2185 Public moneys, reciprocal deposit program.

Government Efficiency and Fiscal Oversight

- H 2194 State use law; school districts; exception.
- H 2195 Public records; certification of electronic records by the state archivist.
- H 2219 Kansas performance measurement commission; extend sunset; other.

State Legislature, House Committees
(Various)—Continued

- H 2222 State agencies; collections of fee, licenses, taxes, surcharges, discounts.
- H 2249 Amendments to the Kansas whistleblower act.
- 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 employee 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.

Health and Human Services

- H 2118 Social worker safety training.
- H 2161 Fees collected by state board of healing arts.
- H 2162 Marriage and family therapists educational requirements and psychologists application fees.
- H 2163 Duties of registered nurse anesthetists.
- H 2198 Health insurance, plans for small employers; cafeteria plans; high deductible plans.
- H 2220 Regulation of certain licensed registered child care facilities.
- H 2221 Disclosure of certain child care information.
- H 2223 Family day care homes registration repealed.
- H 2231 Insurance, mental health parity.
- H 2243 Cosmetology board fees.
- H 2259 Health care act providing for a medicaid waiver to offer health opportunity accounts and a pilot premium assistance plan program for small employers.
- H 2262 Health care insurance and health reimbursement arrangements.
- H 2285 Mechanism for debts owed to hospitals and health care providers to become debts owed to KDHE and eligible for setoff.
- H 2286 Insurance; individual policies and the marketing thereof, closed block of business.
- H 2287 Health reimbursement arrangements.
- 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.

Higher Education

- H 2106 Increasing earnings limitation for employment after retirement by a KPERS retiree 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 expenses.
- H 2197 State educational institutions; admission standards.
- H 2298 Distance-learning educational credits for qualifications to take licensure examination by health care providers.

State Legislature, House Committees
(Various)—Continued

Insurance

- H 2052 Life and health insurance guaranty association, claims.
- H 2053 Repealing the Kansas insurance score act.
- H 2054 Title insurance, annual audits.
- H 2087 Kansas professional employer organization licensing act.
- H 2088 Insurance, reimbursement for certain services.
- H 2089 Life insurance, valuation of policies, reserves.
- H 2128 Providing for assignment of insurance payments for medical services.
- H 2159 Insurance settlement payments, mortgage holder and mortgagor.
- H 2160 Insurance, payment of insurance claims without dual endorsement.
- H 2214 Insurance, risk-based capital requirements.
- H 2274 Providing for individual health policy, excluding certain mandates.
- H Sub for S 126 Controlled insurance program act.

Judiciary

- H 2109 Kansas uniform health care decisions act.
- H 2110 Increase in property damage amount in actions involving negligent motor vehicle operation.
- H 2111 Removing sunset provision from Kansas commission on judicial performance statutes; retaining increase in docket fees to fund commission.
- H 2112 Consumer protection; application of act; definition 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 2164 Judges and justices, mandatory retirement at 75, may elect to serve until end of current term.
- H 2165 Establishing recklessness as a standard in unlawfully hosting minors in a person's residence.
- 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 2201 Conditions on licensee if delinquent in child support.
- 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 2250 Rules of evidence; admissibility of prior acts or offenses of sexual misconduct.
- H 2292 Requests for security freeze on consumer reports.
- H 2293 Miki Alert: Requiring law enforcement to request local media venues to broadcast information about registered offenders.
- H 2303 Requiring notice of child in need of care proceedings to be provided to grandparents, adult relatives and other potential guardians.
- H 2314 Enacting the protective parent reform act.
- H 2315 Restricting driving privileges for persons for refusal, failure or high BAC in test to driving with ignition interlock devices.

State Legislature, House Committees
(Various)—Continued

- HCR 5005 Governor appoints supreme court justices, senate confirms; nominating commission membership amended; commission evaluates nominees and makes recommendation.
- H Sub for S 95 Restricting driving privileges for persons for refusal, failure or high BAC in test to driving with ignition interlock devices.

Local Government

- H 2029 Annexation procedures; deannexation, board of county commissioners duties, election required, when.
- H 2032 Cities; annexation; deannexation procedures.
- H 2083 Historical preservation; removal of environs review.
- H 2124 Subdivisions; blanket easements void; exceptions.
- H 2125 Requiring receipt for paid real estate tax before recording certain documents.
- H 2155 City land banks.
- H 2156 Legislature; prohibiting legislators from holding other paid elected positions.
- H 2157 Topeka/Shawnee county riverfront authority.
- H 2158 Kansas highway patrol; elective and appointed offices allowed.
- H 2193 Campaign finance; filing of certain reports by certain candidates for state office.
- H 2253 Enacting the homeowner's association act.
- H Sub for S 257 Cities; public improvements outside cities; annexation procedures; de-annexation.

Taxation

- H 2019 Medicaid eligibility requirements; allow collateral assignment of life insurance proceeds.
- H 2026 Sales taxation; countywide retailer's sales tax in Lyon and Rawlins counties.
- H 2028 Continuation of the franchise tax.
- H 2046 Time of payment and making a return pursuant to the Kansas mineral severance tax act.
- H 2047 Continuation of Kansas estate tax act.
- H 2048 Sales tax exemption for the All American Beef Battalion, Inc.
- H 2070 Repeal of the income tax credit under the Kansas community services program act.
- H 2071 Validation of election granting sales tax authority for Rawlins county.
- H 2074 Interest and penalties and redemption procedures related to certain real property upon which real property taxes are delinquent.
- H 2172 Permanent exclusion from sales taxation of certain cash rebates on sales or leases of new motor vehicles.
- H 2173 Income tax credit for certain adoption expenses.
- 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.
- H 2175 Repealing statute which provides penalty for misclassification of employees.
- H 2176 Sales tax exemption for Stephanie Waterman Tennis Foundation.
- H 2189 Sales tax exemption for golden belt community concert association.
- H 2190 Sales tax exemption for Steve King foundation.
- H 2191 Income tax credit for certain services by volunteer firefighters or volunteer EMS providers.
- H 2192 Sales tax exemptions for Kansas state firefighters association.

State Legislature, House Committees
(Various)—Continued

- H 2246 Cities; neighborhood organizations; nuisance actions for city code violations.
- H 2247 Cities; rehabilitation of abandoned houses; nonprofit corporations.
- H 2266 Service members; relating to civil relief, enacting the Kansas military service relief act.
- H 2269 Property tax exemption for certain housing for the elderly, persons with disabilities or low income housing owned by certain organizations.
- H 2270 Extension of performance dates for determination of business income in certain circumstances for Kansas income tax purposes.
- H 2291 Enacting the health care price transparency act.
- H 2295 Milk and dairy product labeling requirements.
- 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.
- H 2299 Sales taxation; relating to exemptions.
- H 2300 Sales tax exemption for resource conservation and development councils.
- H 2302 Property tax exemption for certain housing for elderly persons.
- H 2304 Providing for a share the road license plate.
- H 2305 Manufactured homes and mobile homes, treated as real property, when.
- H 2306 Four part payment of property taxes for persons 65 years of age or older.
- H 2319 Determination of fair market value of certain rental property for property tax purposes.
- H 2321 Political subdivision under the Kansas retailers' sales tax act to include horse thief reservoir benefit district.
- H 2324 Sales taxation; exemptions allowed under Kansas enterprise zone act; sales tax allowed under community improvement district act.
- H 2325 Clarification of county sales tax rate authority.
- H 2326 Landowner approval requirements related to creation of transportation development district.
- H 2327 Increasing the rate of taxation upon cigarettes and tobacco products and creating the Kansas health reform fund.
- H 2328 Sales tax holiday providing exemption for certain purchases of school supplies, computers and clothing.
- H 2336 Sales tax exemption for MidAmerica Minority Business Development Council.
- H 2337 Sales tax exemption for Kansas legal services, inc.
- H 2338 Schools; personal financial literacy.
- H 2346 Sales tax exemption for Kansas hunters feeding the hungry, inc.
- H 2348 Imposition of sales tax on rendering or furnishing of services; rates.
- H 2349 Exclusion of certain social security benefits from Kansas adjusted gross income for income tax purposes for married couples filing a joint return.
- H 2352 Sales taxation of certain dues and fees and charges by certain nonprofit organizations.
- H 2353 Adding disabled veterans as a class of claimants for purposes of the homestead property tax refund act.
- H 2358 Creating the investment in Kansas employment act.
- H 2365 Creating the promoting employment across Kansas act.

**State Legislature, House Committees
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- Sub for H 2365 Creating the promoting employment across Kansas act.
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