

Journal of the House

FORTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 13, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 121 members present.
Reps. Ballard, Davis, Ward and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Lord, hear our prayer. You are indeed an awesome God, O Lord. You reign over all the earth and the countless stars of the heavens. Your gaze sweeps over the vast expanse of creation while you peer into each soul. Nothing exists apart from you.

We trust in your promise that you are with us this day as you are every day. We rise to meet the challenges and answer the call of this day with confidence that your guidance will lead us in right paths, that your strength will be sufficient in every trial and that your will for our lives will be made clear to us.

When we face the storms of life, give us an extra measure of your blessing. Help us to see, even in the storms, your gifts which are always with us. Set a rainbow in the heavens to remind us of your faithfulness and covenant. Today, O God, be with all those who have suffered from yesterday's storms. Heal those who are wounded, comfort those who mourn and draw us all into closer community with one another and with you. Amen.

The Pledge of Allegiance was led by Rep. Horst.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 3010, An act concerning the Kansas health policy authority; relating to administration of the health care database; designation of statistical agent for insurer experience data plans; amending K.S.A. 2005 Supp. 40-2251 and repealing the existing section, by Committee on Appropriations.

HB 3011, An act concerning health and health care; prescribing disclosure and availability of prices charged by certain health care providers for health or medical care services, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 569**, **SB 574**, **SB 579**.

Judiciary: **Sub. SB 322**.

Utilities: **HB 3009**.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Loyd, **HR 6015**, A resolution in memory of Clinton R. Upchurch, was adopted.

CONSENT CALENDAR

No objection was made to **HB 2754; SB 453, SB 497** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2949, HB 2956; SB 436** appearing on the Consent Calendar for the second day.

No objection was made to **SB 515** 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 515, An act concerning workers compensation; relating to group-funded workers compensation pool; surplus funds; adequate surplus funds; actuarial review; amending K.S.A. 44-582, 44-584 and 44-588 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: Landwehr.

Absent or not voting: Ballard, Davis, Huebert, Kiegerl, Ward, Winn.

The bill passed.

HB 2640, An act concerning sales taxation; relating to sales of new motor vehicles; taxation of rebates; amending K.S.A. 2005 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, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Feuerborn, Flaharty, Flora, Kirk, Kuether, Lane, Menghini.

Present but not voting: None.

Absent or not voting: Ballard, Davis, Huebert, Kiegerl, Ward, Winn.

The bill passed.

SB 25, An act concerning crimes, criminal procedure and punishment; relating to terrorism and illegal use of weapons of mass destruction; amending K.S.A. 21-3301, 21-3302, 21-3303, 22-2515 and 60-4104 and K.S.A. 2005 Supp. 21-3106, 21-4706 and 22-3101 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Davis, Kiegerl, Ward, Winn.

The bill passed, as amended.

SB 40. An act concerning the probate code; relating to notice to surviving spouse; amending K.S.A. 2004 Supp. 59-2233 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, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Davis, Ward, Winn.

The bill passed, as amended.

SB 354. An act concerning guardians and conservators; relating to reports and accountings; amending K.S.A. 59-3083 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, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swen-

son, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Davis, Ward, Winn.

The bill passed.

SB 355, An act concerning the probate code; relating to appeals; amending K.S.A. 59-2401, 59-2402a and 59-2408 and repealing the existing sections; also repealing K.S.A. 59-2407, 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, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Davis, Ward, Winn.

The bill passed, as amended.

Sub. SB 463, An act repealing K.S.A. 50-675a; concerning telemarketing; relating to the notification requirements of telecommunications carriers, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 6; Present but not voting: 1; Absent or not voting: 4.

Yeas: Aurand, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Trimmer, Vickrey, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Beamer, Dillmore, McKinney, McLeland, Treaster, Watkins.

Present but not voting: Krehbiel.

Absent or not voting: Ballard, Davis, Ward, Winn.

The substitute bill passed.

SB 464, An act concerning the Kansas underground utility damage prevention act; providing for rules and regulations, 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, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson,

E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Davis, Ward, Winn.

The bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. O'Neal, the House concurred in Senate amendments to **HB 2611**, An act amending the child passenger safety act; relating to the disposition of certain fines; amending K.S.A. 8-1344 and 8-1345 and K.S.A. 2005 Supp. 20-350 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 94; Nays 27; Present but not voting: 0; Absent or not voting: 4.

Yeas: Bethell, Burgess, Carlin, Carter, Colloton, Cox, Craft, Crow, DeCastro, Decker, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, Kelsey, Kiegerl, Kilpatrick, Kirk, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Mays, McKinney, Menghini, Merrick, M. Miller, Jim Morrison, Judy Morrison, Myers, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, B. Sharp, S. Sharp, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Aurand, Beamer, Brown, Brunk, Burroughs, Carlson, Dahl, Edmonds, Faber, Freeborn, Hayzlett, Huebert, Huy, E. Johnson, Kelley, Kinzer, Knox, Masterson, McCreary, McLeland, F. Miller, Neufeld, Peck, Pilcher-Cook, Powell, Schwartz, Shultz.

Present but not voting: None.

Absent or not voting: Ballard, Davis, Ward, Winn.

On motion of Rep. Vickrey, the House nonconcurred in Senate amendments to **HB 2118** and asked for a conference.

Speaker Mays thereupon appointed Reps. Vickrey, Huebert and Sawyer as conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurred in Senate amendments to **HB 2592** and asked for a conference.

Speaker Mays thereupon appointed Reps. C. Holmes, Krehbiel and Kuether as conferees on the part of the House.

On motion of Rep. Aurand, 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 committee report to **SB 418** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2957** be amended on page 7, following line 15, by inserting:

“Salina runway improvements No limit”;

On page 23, preceding line 39, by inserting the following to read as follows:

“(c) In addition to the other purposes for which expenditures may be made by the department of corrections from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2007 as authorized by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the department of corrections from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2007, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project for construction of El Dorado and Ellsworth correctional facilities housing units: *Provided*, That such capital improvement project is hereby approved for the department of corrections for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of corrections 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 \$20,500,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds.”;

On page 31, preceding line 6, by inserting the following to read as follows:

“(v) During the fiscal year ending June 30, 2007, no expenditures shall be made from any moneys appropriated for the department of wildlife and parks from the state general fund or any special revenue fund for construction of any new river access on the Kansas River, unless (1) in any case of a new river access project on the Kansas river to be located wholly or partially outside an incorporated municipality, the secretary of wildlife and parks has obtained the prior written permission for the proposed river access from each owner of each parcel of real property on the river which is immediately adjacent to the real property upon which the proposed river access project is to be constructed, and, if a parcel of any such immediately adjacent real property is being leased, then the secretary also has obtained the prior written permission for the proposed new river access project from the lessor of such immediately adjacent real property, and (2) in any case of a new river access project on the Kansas river to be located wholly within an incorporated municipality, the secretary has obtained the prior written permission for the proposed new river access project from the governing body of the municipality.

(w) During the fiscal year ending June 30, 2007, no expenditures shall be made from any moneys appropriated for the department of wildlife and parks or any other state agency from the state general fund or any special revenue fund for fiscal year 2007 by this or other appropriation act of the 2006 regular session of the legislature for the acquisition, operation or maintenance of the Circle K Ranch except upon specific authorization of such acquisition, operation or maintenance in an appropriation act of the legislature enacted into law.

(x) During the fiscal year ending June 30, 2007, (1) no expenditures shall be made from any moneys appropriated for the department of wildlife and parks or any other state agency from the state general fund or any special revenue fund for fiscal year 2007 by this or other appropriation act of the 2006 regular session of the legislature for acquisition of additional tracts either adjacent to or in the area of State Park No. 24, including but not limited to tracts 1, 2, 3, 4, 5 and 8 of the North River Hill Subdivision, Shawnee County, Kansas; and (2) no expenditures shall be made from any moneys appropriated for the department of wildlife and parks or any other state agency from the state general fund or any special revenue fund for fiscal year 2007 by this or other appropriation act of the 2006 regular session of the legislature for operation or maintenance of the State Park No. 24 except upon

specific authorization of such operation or maintenance in an appropriation act of the legislature enacted into law.”; and the bill be passed as amended.

Committee on **Appropriations** recommends **HB 2958** be amended on page 1, by striking all in lines 29 through 40;

By renumbering the remaining sections accordingly;

On page 2, in line 7, by striking “increased” and inserting “decreased”; also in line 7, by striking “\$6,856,036” and inserting “\$6,699,848”; by striking all in lines 8 through 39;

And by renumbering the remaining sections accordingly;

On page 3, in line 1, by striking “increased” and inserting “decreased”; in line 2, by striking “\$296,950” and inserting “\$293,661”; by striking all in lines 31 through 43;

On page 4, by striking all in lines 1 through 6;

And by renumbering the remaining sections accordingly;

Also on page 4, by striking all in lines 13 through 43;

On page 5, by striking all in lines 1 through 28;

And by renumbering the remaining sections accordingly;

Also on page 5, by striking all in lines 31 through 33;

And by relettering the remaining subsections accordingly;

Also on page 5, in line 41, by striking “\$145,276” and inserting “\$142,257”;

On page 6, preceding line 3, by inserting the following to read as follows:

“(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operations (including official hospitality)..... \$60,000”;

Also on page 6, in line 3, by striking “(a)” and inserting “(b)”;

in line 20, by striking “(a)” and inserting “(b)”;

in line 23, by striking “(a)” and inserting “(b)”;

On page 7, preceding line 5, by inserting the following to read as follows:

“(e) (1) There is appropriated for the attorney general from the interstate water litigation reserve account of the state general fund, which was established by section 79(f) of chapter 206 of the 2005 Session Laws of Kansas, for the fiscal year ending June 30, 2006, the amount authorized by subsection (e)(2) for the loan to groundwater management district #3 as specified in the loan agreement entered into by the attorney general therefor pursuant to subsection (e)(2): *Provided*, That, upon entering into the loan agreement pursuant to subsection (e)(2), the loan amount specified in the loan agreement shall be paid by the attorney general to groundwater management district #3 from the interstate water litigation reserve account of the state general fund: *Provided*, That, if the loan agreement authorized by subsection (e)(2) has not been entered into and moneys disbursed to groundwater management district #3 pursuant thereto on or before June 30, 2006, then any unencumbered balance in the account created for the appropriation from the interstate water litigation reserve account of the state general fund made by this subsection (e)(1) in excess of \$100 as of June 30, 2006, is hereby reappropriated for fiscal year 2007.

(2) In addition to the other purposes for which expenditures may be made by the attorney general from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 as authorized by chapter 174 or chapter 206 of the 2005 Session Laws of Kansas or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the attorney general from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 to negotiate and enter into a loan agreement with ground water management district #3 for purposes of a loan of moneys credited to the interstate water litigation reserve account of the state general fund, which loan agreement is hereby authorized to be entered into by the attorney general, notwithstanding the provisions of section 76(e) of chapter 206 of the 2005 Session Laws of Kansas, K.S.A. 82a-1801, and amendments thereto, or any other statute: *Provided*, That such loan agreement shall be entered into to provide financing to groundwater management district #3 for purposes related to water rights: *Provided further*, That the amount of the loan shall be specified by the loan agreement and shall not be more than \$1,000,000: *And provided further*, That the loan shall bear interest and the principal and interest of the loan authorized by this subsection shall be repaid in payments payable at least annually to the attorney general for a period as specified in the loan agreement: *And provided further*, That, upon entering into the loan agreement authorized by this subsection,

the attorney general shall provide a certified copy of the loan agreement to the director of the budget and the director of the legislative research department: *And provided further*, That all amounts received by the attorney general in repayment of the loan authorized by this subsection shall be deposited in the state treasury and shall be credited to the interstate water litigation reserve account of the state general fund.”;

On page 8, by striking all in lines 1 through 15;

And by renumbering the remaining sections accordingly;

Also on page 8, by striking all in lines 30 through 34 and inserting the following:

“(b) On July 1, 2006, any unencumbered balances as of June 30, 2006, in the capital defense operations account of the state general fund for the above agency is hereby lapsed.”;

On page 9, by striking all in lines 36 through 38;

On page 10, in line 5, by striking “\$4,161,058” and inserting “\$5,227,725”; preceding line 14, by inserting the following to read as follows:

“(h) (1) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated in the computer services recovery fund or any special revenue fund for the fiscal year ending June 30, 2006, as authorized by section 98 of chapter 174 of 2005 Session Laws of Kansas or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated in the computer services recovery fund or any special revenue fund for the year ending June 30, 2006, to refund all moneys paid during fiscal year 2006 by any institution of the department of social and rehabilitation services to the department of administration for the enterprise application fees charged by the secretary of administration for services provided by the division of information systems and communications.

(2) As used in this subsection (h), “institution of the department of social and rehabilitation services” means the Kansas neurological institute, Larned state hospital, Osawatimie state hospital, Parsons state hospital and training center, or Rainbow mental health facility.”;

Also on page 10, in line 16, following “act,” by inserting “of”; in line 19, following the comma, by inserting “the sum of \$499,827”;

On page 11, preceding line 32, by inserting the following to read as follows:

“(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Racing operations \$250,000

Provided, That expenditures may be made from the racing operations expenditures account only upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting after the state finance council determines that the funds credited to the state racing fund are insufficient to meet in full the operating expenditures required to be made to meet the financial obligations imposed by statute on the state racing fund as a result of an emergency, except that such approval also may be given while the legislature is in session.”;

And by relettering the remaining subsections accordingly;

On page 14, following line 9, by inserting the following to read as follows:

“Cash assistance \$130,000
Community based services \$125,000”;

On page 15, preceding line 23, by inserting the following to read as follows:

“(m) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2006, by section 111(b) of chapter 174 of the 2005 Session Laws of Kansas on the Title XIX fund is hereby increased from \$45,795,587 to \$45,878,587.

(n) (1) On and after the effective date of this act, during the fiscal year ending June 30, 2006, notwithstanding the provisions of K.S.A. 75-4704 and amendments thereto or any other statute or any rules and regulations adopted thereunder, no expenditures shall be made by the department of social and rehabilitation services or any institution of the department of social and rehabilitation services from any moneys appropriated for the department of social and rehabilitation services from the state general fund or any special revenue fund for fiscal year 2006, as authorized by chapter 174 or chapter 206 of 2005 Session Laws of Kansas or by this or other appropriation act of the 2006 regular session of

the legislature, to pay any enterprise application fee charged by the secretary of administration for services provided by the division of information systems and communications for any institution of the department of social and rehabilitation services.

(2) As used in this subsection (n), "institution of the department of social and rehabilitation services" means the Kansas neurological institute, Larned state hospital, Osawatomie state hospital, Parsons state hospital and training center, or Rainbow mental health facility.";

Also on page 15, preceding line 27, by inserting the following to read as follows: "Operating expenditures (including official hospitality)..... \$364,746";

Also on page 15, in line 30, by striking "\$1,197,016" and inserting "\$1,293,919"; by striking all in lines 39 through 43;

On page 16, by striking all in lines 1 through 5;

By relettering the remaining subsections accordingly;

Also on page 16, in line 30, by striking "\$68,625" and inserting "\$35,825";

On page 17, preceding line 33, by inserting the following the read as follows:

"(e) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Kansas criminal justice recodification, rehabilitation and restoration project
For the fiscal year ending June 30, 2006 \$100,000

Provided, that any unencumbered balance in the Kansas criminal justice recodification, rehabilitation and restoration project account in excess of \$100 as of June 30, 2006, is hereby reappropriated for fiscal year 2007: *Provided further*, That, in addition to the other purposes for which expenditures may be made by the department of corrections from moneys appropriated from the state general fund or any special revenue fund during the fiscal year ending June 30, 2007, for the department of corrections as authorized by this or other appropriation act of the 2006 regular session of the legislature, if 2006 House Bill 2555 or any other bill which continues the Kansas criminal recodification, rehabilitation and restoration project beyond June 30, 2006, is not enacted into law during the 2006 regular session of the legislature, expenditures shall be made by the secretary of corrections to continue the Kansas criminal justice recodification, rehabilitation and restoration project in accordance with and subject to the provisions of K.S.A. 2005 Supp. 22-5101 in effect on June 30, 2006, until June 30, 2007.

(f) On the effective date of this act, of the \$844,263 appropriated for the above agency for the fiscal year ending June 30, 2006, by section 8(a) of chapter 206 of the 2005 Session Laws of Kansas from the state general fund in the day reporting centers and reentry programs account, the sum of \$100,000 is hereby lapsed.";

On page 20, preceding line 41, by inserting the following to read as follows:

"(b) The director of accounts and reports shall not make the transfer of \$500,000 from the emergency medical services operating fund of the emergency medical services board to the state general fund which was directed to be made on June 1, 2006, or as soon after such date as moneys were available, by section 136(c) of chapter 174 of the 2005 Session Laws of Kansas.";

On page 21, in line 2, by striking "\$1,671,113" and inserting "\$2,844,013"; preceding line 12, by inserting the following to read as follows:

"(c) On the effective date of this act, of the \$1,550,044 appropriated for the above agency for the fiscal year ending June 30, 2006, by section 140(b) of chapter 174 of the 2005 Session Laws of Kansas from the state general fund in the state fair debt service account, the sum of \$307 is hereby lapsed.";

Also on page 21, preceding line 39, by inserting the following to read as follows:

"(e) On and after the effective date of this act, during the fiscal year ending June 30, 2006, notwithstanding the provisions of any other statute, no expenditures shall be made by the department of wildlife and parks from any moneys appropriated for the department of wildlife and parks from the state general fund or any special revenue fund for fiscal year 2006, as authorized by chapter 174 or chapter 206 of 2005 Session Laws of Kansas or by this or other appropriation act of the 2006 regular session of the legislature for pumping or transportation of groundwater to any playa lake or other wetland properties of the department of wildlife and parks.";

On page 22, preceding line 6, by inserting the following to read as follows:

“Sec. 44.

KANSAS HUMAN RIGHTS COMMISSION

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2006, by section 65(b) of chapter 206 of the 2005 Session Laws of Kansas for the Kansas human rights commission is hereby decreased from 40.00 to 39.00.

Sec. 45.

LEGISLATIVE COORDINATING COUNCIL

(a) On July 1, 2006, of the \$534,904 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 81(a) of chapter 174 of the 2005 Session Laws of Kansas from the state general fund in the legislative coordinating council — operations account, the sum of \$60,000 is hereby lapsed.”;

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Appropriations** recommends **HB 2968** be amended on page 1, in line 35, by striking “\$762,945” and inserting “\$1,025,190”; in line 39, by striking “\$2,961,143” and inserting “\$2,953,126”; in line 43, by striking “\$2,561,106” and inserting “\$2,568,686”; and on page 2, in line 14, by striking “\$13,318,987” and inserting “\$13,194,312”;

On page 3, in line 22, preceding the period, by inserting “: *And provided further*, That expenditures shall be made during the fiscal year ending June 30, 2007, from the operations (including official hospitality) account to pay for a legislative study committee to study veterans’ funding issues, particularly how veteran service representatives are funded, during the 2006 legislative interim”;

On page 5, in line 4, preceding the period, by inserting “: *And provided further*, That expenditures shall be made during the fiscal year ending June 30, 2007, from the legislative special revenue fund by the legislature to pay for a legislative study committee to study veterans’ funding issues, particularly how veteran service representatives are funded, during the 2006 legislative interim”; in line 10, by striking “\$2,540,938” and inserting “\$2,495,675”; in line 35, by striking “\$2,298,039” and inserting “\$2,260,532”; preceding line 36, by inserting the following to read as follows:

“Domestic violence prevention grants \$1,583,333”;

On page 7, in line 17, by striking “\$195,198” and inserting “\$191,565”; in line 37, by striking “\$4,437,603” and inserting “4,437,141”;

On page 8, by striking all in lines 5 through 10; in line 15, preceding the period, by inserting “; additional operating expenditures for investigation and litigation regarding interstate water rights”;

On page 9, preceding line 42, by inserting the following to read as follows:

“Interstate water litigation fund \$560,000”;

On page 10, preceding line 11, by inserting the following to read as follows:

“(d) On July 1, 2006, the director of accounts and reports shall transfer \$560,000 from the interstate water litigation reserve account of the state general fund to the interstate water litigation fund of the attorney general.”;

On page 12, preceding line 5, by inserting the following to read as follows:

“Services reimbursement fund No limit

Provided, That the state treasurer is hereby authorized to charge cash management fees, banking services fees and fees for processing warrants, vouchers and direct deposits for the services that the state treasurer’s office provides to other state agencies: *Provided, however*, That payroll warrants shall not be subject to any such fee, except for the charges to the state’s operating account for processing such warrants: *Provided further*, That such fees shall be based upon the number and type of transactions processed for each agency: *And provided further*, That the fees shall be based upon a combination of the banking fees incurred by the state treasurer and the operating costs for providing each service: *And provided further*, That the state treasurer shall revise the schedule of fees annually after consulting with various state agencies: *And provided further*, That all such fees collected shall be deposited in the state treasury to the credit of the services reimbursement fund of the state treasurer: *And provided further*, That moneys in the services reimbursement fund may be expended for the general operating expenditures of the state treasurer’s office in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or by a person designated by the state treasurer”;

On page 16, by striking all in lines 30 through 43;
 On page 17, in line 14, by striking "\$1,177,445" and inserting "\$1,158,008";
 On page 18, in line 10, by striking "\$9,645,721" and inserting "\$9,462,351"; in line 31, by striking "\$1,555,734" and inserting "\$1,534,461";
 On page 19, in line 31, by striking "\$100,940,343" and inserting "\$94,776,201";
 On page 22, in line 14, by striking "\$7,453,469" and inserting "\$7,346,770"; in line 22, by striking "\$144,128" and inserting "\$142,128"; in line 35, by striking "\$1,666,220" and inserting "\$1,635,007";
 On page 25, in line 18, by striking "\$15,375,282" and inserting "\$15,051,326";
 On page 26, preceding line 6, by inserting the following to read as follows:
 "(e) In addition to other purposes for which expenditures may be made by the Kansas corporation commission from the public service regulation fund for fiscal year 2007 for the corporation commission as authorized by this or other appropriation act of the 2006 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the Kansas corporation commission may make expenditures from the public service regulation fund for fiscal year 2007 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 shall not exceed \$30,000.";
 Also on page 26, in line 13, by striking "\$739,283" and inserting "\$730,060";
 On page 27, in line 24, by striking "\$882,343" and inserting "\$866,010";
 On page 28, in line 3, by striking "\$1,910,330" and inserting "\$1,874,129"; in line 9, by striking "\$489,127" and inserting "\$480,396"; in line 15, by striking "\$1,354,557" and inserting "\$1,328,677"; preceding line 41, by inserting the following to read as follows:
 "Radio Kansas — Hutchinson tower project \$325,000
Provided, That, on June 30, 2007, any unencumbered balance in the Radio Kansas — Hutchinson tower project account as of June 30, 2007, is hereby lapsed if not encumbered for the purpose of matching federal grant funding from the public telecommunications facilities program.";
 On page 29, in line 3, by striking "\$252,650" and inserting "\$237,251"; by striking all in lines 10 through 42;
 On page 30, by striking all in lines 1 through 7;
 On page 34, by striking all in line 2; by striking all in line 12; by striking all in lines 15 through 17;
 On page 35, by striking all in lines 9 through 23;
 On page 45, by striking all in lines 33 through 37;
 By relettering the remaining subsections accordingly;
 On page 48, in line 1, by striking "\$1,459,000" and inserting "\$1,430,563"; line 11, by striking "\$419,398" and inserting "\$417,733"; in line 16, by striking "\$20,154,916" and inserting "\$19,763,647"; in line 27, by striking "\$39,176,094" and inserting "\$38,455,865";
 On page 53, preceding line 33, by inserting the following to read as follows:
 "(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:
 Racing operations \$250,000
Provided, That expenditures may be made from the racing operations expenditures account only upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting after the state finance council determines that the funds credited to the state racing fund are insufficient to meet in full the operating expenditures required to be made to meet the financial obligations imposed by statute on the state racing fund as a result of an emergency, except that such approval also may be given while the legislature is in session.
 By relettering the remaining subsections accordingly;
 On page 54, in line 13, by striking "\$200,000" and inserting "\$160,171";
 On page 55, in line 18, by striking "\$230,324" and inserting "\$226,458"; by striking all in line 29, by striking "\$15,701,164" and inserting "\$15,556,090";
 On page 56, by striking all in lines 29 through 31;
 And by relettering the remaining subsections accordingly;

On page 60, in line 21, by striking "\$382,085" and inserting "\$375,483"; in line 38, by striking "\$11,900,967" and inserting "\$11,854,941";

On page 61, in line 18, by striking "\$368,141" and inserting "\$362,744"; in line 33, by striking "\$12,168,768" and inserting "\$11,898,900";

On page 62, in line 10, by striking "\$400,366" and inserting "\$391,728";

On page 63, in line 11, by striking "\$1,462,232" and inserting "\$1,433,433"; in line 16, by striking "\$522,073" and inserting "\$512,362"; in line 21, by striking "\$2,308,203" and inserting "\$2,229,236"; in line 25, by striking "\$2,550,859" and inserting "\$2,474,119"; in line 34, by striking "\$472,449" and inserting "\$464,414"; in line 42, by striking "\$2,049,295" and inserting "\$2,018,773";

On page 64, in line 2, by striking "\$3,020,961" and inserting "\$2,960,787"; in line 28, by striking "\$3,334,376" and inserting "\$2,470,851";

On page 66, by striking all in line 35;

On page 70, preceding line 21, by inserting the following to read as follows:

"PKU/hemophilia \$250,000";

On page 72, in line 24, by striking "\$5,198,718" and inserting "\$4,739,277"; in line 26, by striking "\$4,562,368" and inserting "\$4,481,883"; preceding line 36, by inserting the following to read as follows:

"Use attainability analyses \$369,931";

On page 76, in line 24, by striking "\$955,567" and inserting "\$953,023"; in line 28, by striking "\$299,269" and inserting "\$298,741"; in line 34, by striking "\$291,257" and inserting "\$284,654";

On page 78, preceding line 9, by inserting the following to read as follows:

"(j) In addition to the other purposes for which expenditures may be made by the department of health and environment from the waste tire management fund for fiscal year 2007 as authorized by subsection (c) of K.S.A. 65-3424g and amendments thereto, section 109(b) of chapter 174 of the 2005 Session Laws of Kansas or by this or other appropriation act of the 2006 regular session of the legislature, notwithstanding any provisions of subsection (c) of K.S.A. 65-3424g and amendments thereto or any other statute to the contrary, expenditures may be made from the waste tire management fund during fiscal year 2007 for waste tire recycling grants and grants to local units of government for recycled waste tire ground cover materials for playgrounds.";

Also on page 78, in line 13, by striking "\$490,741" and inserting "\$384,648"; in line 22, by striking "\$121,247" and inserting "\$119,450"; in line 34, by striking "\$1,737,868" and inserting "\$1,710,111"; in line 38, by striking "\$185,381" and inserting "\$181,318";

On page 81, in line 1, by striking "\$1,962,348" and inserting "\$1,929,857"; in line 5, by striking "\$1,009,524" and inserting "\$992,935";

On page 84, preceding line 26, by inserting the following to read as follows:

"Sec. 32.

KANSAS HEALTH POLICY AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures	\$16,618,345
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2006, is hereby reappropriated for fiscal year 2007: <i>Provided, however</i> , That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.	
Business health partnership	\$500,000
<i>Provided</i> , That any unencumbered balance in the business health partnership account in excess of \$100 as of June 30, 2006, is hereby reappropriated to the business health partnership account for fiscal year 2007: <i>Provided, however</i> , That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.	
Generic drug program	\$400,000
Other medical assistance	\$375,899,071
<i>Provided</i> , That any unencumbered balance in the health policy and finance — other medical assistance account of the department of administration in excess of \$100 as of June 30, 2006, is hereby reappropriated to the other medical assistance account of the Kansas health policy	

authority for fiscal year 2007: *Provided, however,* That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

Children’s health insurance program \$18,476,279
Provided, That any unencumbered balance in the health policy and finance — children’s health insurance program account of the department of administration in excess of \$100 as of June 30, 2006, is hereby reappropriated to the children’s health insurance program account of the Kansas health policy authority for fiscal year 2007: *Provided, however,* That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the ending June 30, 2007, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State workers compensation self-insurance fund.....	No limit
Preventive health care program fund.....	No limit
Cafeteria benefits fund.....	No limit

Provided, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2007, for salaries and wages and other operating expenditures shall not exceed \$2,375,716.

Kansas health policy authority special revenue fund..... No limit
Provided, That expenditures from the Kansas health policy authority special revenue fund for the fiscal year ending June 30, 2007, for official hospitality shall not exceed \$1,000.

Health committee insurance fund.....	No limit
Health care database fee fund.....	No limit
Medical programs fee fund.....	\$67,789,636
Other state fees fund.....	No limit
Health care access improvement fund.....	No limit
Other federal grants and assistance fund.....	No limit
Medical assistance federal fund.....	No limit
Children’s health insurance federal fund.....	No limit
Ticket to work infrastructure grant federal fund.....	No limit
Health policy and finance — PERM grant federal fund.....	No limit
Ryan White title II federal fund.....	No limit

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2007, the following:

Medical assistance.....	\$3,000,000
Healthwave.....	\$2,000,000
Immunization outreach.....	\$500,000

(d) (1) During the fiscal year ending June 30, 2007, upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session, the secretary of social and rehabilitation services may transfer moneys appropriated for fiscal year 2007 from any account of the state general fund or any special revenue fund of the department of social and rehabilitation services to the appropriate account of the state general fund or special revenue fund of the Kansas health policy authority for the purpose of facilitating or implementing the transfer of the powers, duties and functions from the secretary of social and rehabilitation services and department of social and rehabilitation services to the Kansas health policy authority on July 1, 2006, pursuant to chapter 187 of the 2005 Session Laws of Kansas.

(2) During the fiscal year ending June 30, 2007, upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session, the Kansas health policy authority may transfer moneys appropriated for fiscal year 2007 from any account of the state general fund or any special revenue fund of the Kansas health policy authority to the appropriate account of the state general fund or the appropriate special

revenue fund of the department of social and rehabilitation services for the purpose of facilitating or implementing the transfer of the powers, duties and functions from the secretary of social and rehabilitation services and department of social and rehabilitation services to the Kansas health policy authority on July 1, 2006, pursuant to chapter 187 of the 2005 Session Laws of Kansas.

(e) (1) During the fiscal year ending June 30, 2007, upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session, the secretary of administration may transfer moneys appropriated for fiscal year 2007 from any account of the state general fund or any special revenue fund of the department of administration to the appropriate account of the state general fund or special revenue fund of the Kansas health policy authority for the purpose of facilitating or implementing the transfer of the powers, duties and functions from the secretary of administration and department of administration to the Kansas health policy authority on July 1, 2006, pursuant to chapter 187 of the 2005 Session Laws of Kansas.

(2) During the fiscal year ending June 30, 2007, upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session, the Kansas health policy authority may transfer moneys appropriated for fiscal year 2007 from any account of the state general fund or any special revenue fund of the Kansas health policy authority to the appropriate account of the state general fund or the appropriate special revenue fund of the department of administration for the purpose of facilitating or implementing the transfer of the powers, duties and functions from the secretary of administration and the department of administration to the Kansas health policy authority on July 1, 2006, pursuant to chapter 187 of the 2005 Session Laws of Kansas.

(f) On July 1, 2006, the director of accounts and reports shall transfer all moneys in the office of health planning and finance fund of the department of administration to the Kansas health policy authority special revenue fund of the Kansas health policy authority, which is hereby established in the state treasury. On July 1, 2006, all liabilities of the office of health planning and finance fund of the department of administration are hereby transferred to and imposed on the Kansas health policy authority special revenue fund of the Kansas health policy authority and the office of health planning and finance fund of the department of administration is hereby abolished.

(g) During the fiscal year ending June 30, 2007, notwithstanding the provisions of K.S.A. 75-6501 through 75-6523 and amendments thereto or any other statute or any rules and regulations adopted thereunder, no expenditures shall be made from any moneys appropriated for the Kansas health policy authority from the state general fund or any special revenue fund for fiscal year 2007 by this or other appropriation act of the 2006 regular session of the legislature for the state health care benefits program for prescription drug coverage for participating state employees and other eligible persons or their dependents, which does not allow such persons and their dependents to purchase a ninety-day supply of prescription drugs from local pharmacies at an equal or lesser cost than the cost to purchase a ninety-day supply of prescription drugs through the mail-order pharmacy program of the state health care benefits program.

(h) During the fiscal year ending June 30, 2007, the executive director of the Kansas health policy authority, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2007, from the state general fund for the Kansas health policy authority to another item of appropriation for fiscal year 2007 from the state general fund for the Kansas health policy authority. The executive director of the Kansas health policy authority shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.”;

And by renumbering the remaining sections accordingly;

Also on page 84, in line 30, by striking “\$84,556,356” and inserting “\$82,569,004”;

On page 85, in line 6, by striking "\$11,670,591" and inserting "\$11,643,527"; in line 24, by striking "\$27,436,223" and inserting "\$28,094,153"; in line 42, by striking "\$8,823,246" and inserting "\$8,969,162";

On page 86, in line 13, by striking "\$8,629,055" and inserting "\$8,234,007"; in line 33, by striking "\$3,792,488" and inserting "\$3,800,267";

On page 87, in line 25, by striking "\$56,665,135" and inserting "\$56,795,135"; in line 29, by striking "\$45,551,028" and inserting "\$46,752,658";

On page 88, in line 23, by striking "\$1,124,218" and inserting "\$1,085,316"; in line 26, by striking "\$3,526,580" and inserting "\$3,465,843"; in line 33, by striking "\$5,076,934" and inserting "\$4,828,183";

On page 89, in line 28, by striking "\$1,128,085" and inserting "\$1,002,859";

On page 91, in line 10, by striking "\$8,693,279" and inserting "\$8,443,279";

On page 95, preceding line 23, by inserting the following to read as follows:

"(t) (1) During the fiscal year ending June 30, 2007, notwithstanding the provisions of K.S.A. 75-4704 and amendments thereto or any other statute or any rules and regulations adopted thereunder, no expenditures shall be made from any moneys appropriated for the department of social and rehabilitation services or any institution of the department of social and rehabilitation services from the state general fund or any special revenue fund for fiscal year 2007 by this or other appropriation act of the 2006 regular session of the legislature to pay any enterprise application fee charged by the secretary of administration for services provided by the division of information systems and communications for any institution of the department of social and rehabilitation services.

(2) As used in this subsection (t), "institution of the department of social and rehabilitation services" means Kansas neurological institute, Larned state hospital, Osawatomie state hospital, Parsons state hospital and training center, or Rainbow mental health facility.

(u) In addition to other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2007 to prepare and present a progress report to the joint committee on children's issues during the 2006 interim period on the activities undertaken and the results obtained by the department of social and rehabilitation services to establish increased access to additional providers for mental health services in communities: *Provided*, That this report shall describe a program developed in negotiations between community mental health centers and child welfare service providers resulting in a service delivery contract with the community mental health centers for mental health services for children in the child welfare system: *Provided further*, That this report shall also include information on progress made to provide access to additional service providers for children needing mental health services who are not in the custody of the secretary of social and rehabilitation services.;"

On page 95, in line 27, by striking "\$1,065,230" and inserting "\$1,052,759"; in line 35, by striking "\$9,860,385" and inserting "\$10,068,775";

On page 96, in line 24, preceding the period, by inserting ": *Provided*, That, prior to providing a child with intervention during fiscal year 2007, a school district shall encourage parents of pupils at risk to obtain an eye examination by an optometrist or an ophthalmologist to determine if such child suffers from conditions with impair the ability to read: *Provided, however*, That the expense for such examination, if not reimbursed through medicaid, healthwave, private insurance or other governmental or private program, shall be the responsibility of the child's parent";

On page 97, in line 7, by striking "\$3,000,000" and inserting "\$1,000,000"; by striking all in line 23;

On page 101, in line 40, by striking "\$1,879,288" and inserting "\$1,850,358";

On page 102, in line 3, by striking "\$3,405,109" and inserting "\$3,215,109"; in line 22, by striking "\$328,420" and inserting "\$323,226"; in line 31, by striking "\$1,169,196" and inserting "\$1,094,196";

On page 103, in line 17, by striking "\$4,915,031" and inserting "\$4,786,414"; in line 20, by striking all following "2007"; by striking all in line 21; in line 22, by striking "\$2,000";

On page 104, in line 11, by striking "\$8,215,731" and inserting "\$8,088,534"; in line 40, by striking "\$5,687,752" and inserting "\$5,589,269";

On page 105, in line 3, by striking "\$151,830" and inserting "\$131,830";

On page 107, preceding line 2, by inserting the following to read as follows:

"Master's-level nursing capacity..... \$150,000";

On page 109, in line 8, by striking "\$107,025,187" and inserting "\$106,232,187";

On page 112, in line 8, by striking "\$30,534,014" and inserting "\$30,234,014";

On page 113, preceding line 20, by inserting the following to read as follows:

"(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2007, the following:

Agricultural experiment stations..... \$300,000";

On page 114, in line 33, by striking "\$31,517,591" and inserting "\$31,364,897";

On page 117, in line 2, by striking "\$34,583,136" and inserting "\$34,398,123";

On page 119, in line 5, by striking "\$133,844,559" and inserting "\$133,045,222";

On page 122, in line 22, by striking "\$104,434,402" and inserting "\$104,135,835";

On page 125, preceding line 25, by inserting the following to read as follows:

"(g) On July 1, 2006, if no bill has been passed by the legislature during the 2006 regular session and enacted into law to establish the University of Kansas cancer center by statute, then the amount of \$5,000,000 appropriated for the university of Kansas medical center by subsection (a) of this section from the state general fund in the cancer center account, is hereby lapsed.";

Also on page 125, in line 29, by striking "\$67,237,014" and inserting "\$67,077,453";

On page 127, in line 30, by striking "\$3,364,230" and inserting "\$3,257,292";

On page 128, in line 38, by striking "\$443,592" and inserting "\$243,592";

On page 129, in line 4, by striking "\$21,673,603" and inserting "\$24,913,603"; in line 26, by striking "\$20,000,000" and inserting "\$7,667,875"; in line 41, by striking "\$3,200,000" and inserting "\$6,400,000";

On page 130, preceding line 10, by inserting the following to read as follows:

"Masters-level nursing capacity initiative \$200,000

Provided, That the state board of regents is hereby authorized to make expenditures from the masters-level nursing capacity initiative account for grants to state educational institutions, the municipal university, and other institutions of higher education in Kansas: *Provided further*, That such grants shall be used to increase capacity in masters-level nursing education programs: *And provided further*, That each such grant shall be matched on a dollar for dollar basis by the institution of higher education awarded the grant.";

On page 134, in line 40, by striking "\$17,644,598" and inserting "\$17,375,093";

On page 135, in line 43, by striking "\$44,490,999" and inserting "\$44,479,213";

On page 136, in line 6, by striking "\$11,377,206" and inserting "\$11,158,520"; in line 14, by striking "\$25,992,078" and inserting "\$25,508,470"; in line 22, by striking "\$33,998,604" and inserting "\$33,358,964"; in line 30, by striking "\$11,271,253" and inserting "\$11,072,144"; in line 38, by striking "\$11,221,276" and inserting "\$11,021,661";

On page 137, in line 3, by striking "\$13,072,605" and inserting "\$12,829,130"; in line 11, by striking "\$22,046,189" and inserting "\$21,632,811"; in line 20, by striking "\$8,732,479" and inserting "\$8,561,467"; by striking all in line 32;

On page 140, in line 3, by striking "\$29,318,060" and inserting "\$29,275,910"; in line 8, by striking "\$1,124,148" and inserting "\$1,107,955"; in line 12, by striking "\$14,845,988" and inserting "\$14,610,879"; in line 23, by striking "\$5,789,060" and inserting "\$5,714,010"; in line 33, by striking "\$4,353,606" and inserting "\$4,285,135"; in line 43, by striking "\$8,060,971" and inserting "\$7,937,858";

On page 143, in line 5, by striking "\$4,285,450" and inserting "\$4,234,800";

On page 146, in line 31, by striking "\$3,489,873" and inserting "\$3,278,087";

On page 147, in line 5, by striking "\$385,629" and inserting "\$382,076"; in line 7, by striking "\$154,489" and inserting "\$152,478";

On page 148, in line 6, by striking "\$453,659" and inserting "\$444,488"; in line 14, by striking "\$34,558,672" and inserting "\$33,861,169";

On page 150, in line 26, by striking "\$17,487,208" and inserting "\$17,240,790";
 On page 151, by striking all in lines 37 through 43;
 On page 152, by striking all in lines 1 through 7; in line 8, by striking "(j)" and inserting "(i)"; in line 22, by striking "\$15,496,534" and inserting "\$15,504,323";
 On page 153, in line 10, by striking "\$38,479" and inserting "\$37,724";
 On page 155, in line 18, by striking "\$1,507,139" and inserting "\$1,491,859";
 On page 156, by striking all in lines 13 through 28; in line 33, by striking "\$602,189" and inserting "\$603, 379";
 On page 157, in line 9, by striking "\$11,047,255" and inserting "\$11,156,075";
 On page 161, in line 6, by striking "\$674,552" and inserting "\$667,474"; in line 8, by striking "\$1,027,764" and inserting "\$1,011,502"; in line 33, by striking "\$685,074" and inserting "\$655,524";

On page 162, in line 6, preceding the period, by inserting ": *Provided further*, That expenditures shall be made from the animal dealers fund by the livestock commissioner for operating expenditures for an educational course regarding animals and their care and treatment in as authorized by K.S.A. 2005 Supp. 47-1707 and amendments thereto to be provided through the internet or printed booklets";

On page 163, by striking all in line 13; preceding line 15, by inserting the following to read as follows:

"Premiums competitive exhibitors \$20,000";

Also on page 163, in line 19, by striking "\$874,302" and inserting "\$855,987"; in line 42, by striking "\$3,415,778" and inserting "\$3,412,218";

On page 165, by striking all in lines 20 through 33;
 On page 166, in line 16, by striking "\$2,196,044" and inserting "\$2,159,085";
 On page 167, in line 30, by striking "\$3,500,000" and inserting "\$0";
 On page 170, preceding line 32, by inserting the following to read as follows:

"(j) During the fiscal years ending June 30, 2006, and June 30, 2007, notwithstanding the provisions of K.S.A. 82a-1801, and amendments thereto, or any other statute, the director of accounts and reports shall maintain the water conservation project reserve account of the state water plan fund into which \$4,842,212, which was part of the amount recovered by the state of Kansas from a settlement, judgment or decree in the litigation commenced in 1985 by the state of Kansas against the state of Colorado, was transferred and credited pursuant to section 76(e) of chapter 206 of the 2005 Session Laws of Kansas: *Provided further*, That the water conservation project reserve account of the state water plan fund is hereby specifically continued as a separate reserve account within the state water plan fund: *And provided further*, That the amount transferred to the water conservation project reserve account of the state water plan fund pursuant to section 76(e) of chapter 206 of the 2005 Session Laws of Kansas shall be reserved for use for water conservation projects as prescribed by subsection (a)(2) of K.S.A. 82a-1801 and amendments thereto: *And provided further*, That the state finance council shall have no authority to approve any transfer of moneys from the water conservation project reserve account of the state water plan fund, to authorize or approve any expenditure of moneys from the water conservation project reserve account of the state water plan fund, or to increase any expenditure limitation on the water conservation project reserve account of the state water plan fund: *And provided further*, That no expenditures shall be authorized or made from the water conservation project reserve account of the state water plan fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature.

(k) In addition to the other purposes for which expenditures may be made by the Kansas water office from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2007 by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas water office from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 to negotiate and enter into an agreement with ground water management district #5 for the purchase of water rights along the rattlesnake creek for the purposes of stream flow augmentation.";

Also on page 170, following line 42, by inserting the following to read as follows:

“State parks operating expenditures \$1,000,000
 Prairie spirit trail operating expenditures \$80,000”;

On page 171, in line 40, by striking “\$19,851,720” and inserting “\$18,824,955”;

On page 172, in line 8, by striking “\$5,631,292” and inserting “\$5,407,660”; in line 18, by striking “\$942,261” and inserting “\$857,568”;

On page 174, by striking all in lines 1 through 10; in line 11, by striking “(d)” and inserting “(c)”;

preceding line 15, by inserting the following to read as follows:

“(d) During the fiscal year ending June 30, 2007, notwithstanding the provisions of any other statute, no expenditures shall be made by the department of wildlife and parks from any moneys appropriated for the department of wildlife and parks from the state general fund or any special revenue fund for fiscal year 2007, as authorized by this or other appropriation act of the 2006 regular session of the legislature for pumping or transportation of groundwater to any playa lake or other wetland properties of the department of wildlife and parks.

(e) During the fiscal year ending June 30, 2007, the secretary of wildlife and parks shall certify to the director of accounts and reports on or before the first day of each month of fiscal year 2007 that expenditures are planned to be made for all 24 state parks in each month following such monthly report and that the secretary of wildlife and parks does not anticipate announcing the closure of any one or more state parks. After July 1, 2006, the secretary of wildlife and parks also shall certify to the director of accounts and reports on or before August 1, 2006, and monthly thereafter during the fiscal year ending June 30, 2007, additional information regarding whether an announcement of closure of one or more state parks was made in the preceding month and whether such announcement was delivered to the legislature or one of its committees or other representative bodies. The director of accounts and reports shall approve expenditures from the parks fee fund only after receiving each monthly report during the fiscal year ending June 30, 2007, from the secretary of wildlife and parks and determining the required information has been provided as required by this subsection. If the secretary of wildlife and parks fails to provide timely and complete certification for any month, or if the secretary of wildlife and parks fails to notify the legislature or one of its committees or other representative bodies concerning an announcement of closure of one or more state parks, the director of accounts and reports shall not approve any expenditures from the parks fee fund until such time as the secretary of wildlife and parks complies with this certification and report requirement in regards to an announcement of closure or any one or more state parks. At the same time as each such certification is transmitted to the director of the budget, the secretary of wildlife and parks shall transmit a copy of such certification to the director of the legislative research department.”;

On page 176, in line 2, by striking “\$264,212,960” and inserting “\$258,347,800”;

On page 180, in line 7, by striking “929.73” and inserting “759.53”; in line 35, by striking “58.50” and inserting “57.50”;

On page 181, in line 1, by striking “302.50” and inserting “305.50”;

On page 184, in line 25, by striking “\$4,092.63” and inserting “\$4,072.67”; in line 39, by striking “\$1,157.59” and inserting “\$1,154.94”;

On page 185, in line 33, by striking “\$3,179.36” and inserting “\$3,163.85”;

On page 186, in line 5, by striking “\$3,656.18” and inserting “\$3,638.34”; in line 19, by striking “\$3,179.36” and inserting “\$3,163.85”; in line 34, by striking “\$3,179.36” and inserting “\$4,163.85”;

On page 187, in line 4, by striking “\$85.22” and inserting “\$84.80”; in line 35, by striking “\$85.22” and inserting “\$84.80”;

On page 188, in line 16, by striking “\$85.22” and inserting “\$84.80”; in line 23, by striking “\$85.22” and inserting “\$84.80”;

On page 189, in line 2, by striking “\$340.40” and inserting “\$338.74”; in line 5, by striking “\$340.40” and inserting “\$338.74”; in line 27, by striking “\$340.40” and inserting “\$338.74”;

On page 190, in line 23, by striking “\$519.00” and inserting “\$516.47”; in line 31, by striking “\$264.89” and inserting “\$263.60”; in line 38, by striking “\$417.37” and inserting “\$415.33”; in line 43, by striking “\$468.22” and inserting “\$465.94”;

On page 191, in line 6, by striking "\$468.22" and inserting "\$465.94"; in line 24, by striking "\$85.22" and inserting "\$4.80";

On page 192, in line 4, by striking "\$85.22" and inserting "\$4.80"; in line 14, by striking "\$85.22" and inserting "\$4.80"; in line 35, by striking "\$85.22" and inserting "\$4.80";

On page 193, in line 4, by striking "\$85.22" and inserting "\$4.80"; in line 24, by striking "\$85.22" and inserting "\$4.80";

On page 194, following line 2, by inserting the following as follows:

"(1) (A) The governor is hereby authorized and directed to modify the pay plan for fiscal year 2006 in accordance with this subsection (p)(1)(A) and to adopt such pay plan as so modified. The existing pay plan for fiscal year 2006 shall be modified to provide for (i) a base pay rate increase of 1.5% 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, 2007, (ii) step movement of a single pay step increase on the pay plan for each person in the classified service under the Kansas civil service act who is on pay step 15 or lower and whose latest performance review rating during the twelve-month period preceding September 10, 2006, is at least satisfactory, to the next pay step, which shall be effective on the first day of the payroll period commencing on September 10, 2006, which is chargeable to the fiscal year ending June 30, 2007, in accordance with the applicable provisions of the Kansas civil service act and rules and regulations adopted thereunder, (iii) a base pay rate increase equal to a single pay step increase for each person in the classified service under the Kansas civil service act who is at a pay rate above the pay grade for such person's job class, which shall be effective on the first day of the payroll period commencing on September 10, 2006, which is chargeable to the fiscal year ending June 30, 2007, (iv) a \$.30 per hour retention incentive pay rate differential for selected skilled job trade classes in the building trade job classes, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2007, (v) a single pay step increase pay rate differential for uniformed correctional officer job classes of the department of corrections and juvenile correctional officer job classes of the juvenile justice authority, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2007, (vi) a single pay step increase pay rate differential for those employees at Larned state hospital who currently earn an hourly pay rate differential for hazardous duty pay, and (vii) reassignment of entry level correctional officer job classes from pay grade 17, step 4, of the pay plan to pay grade 17, step 6, of the 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, 2007. The pay plan adopted by the governor under this subsection (p)(1)(A) shall be the pay plan for the classified service under the Kansas civil service act and shall be effective on the first day of the first biweekly payroll period which is specified therefor in this subsection (p)(1)(A) and which is chargeable to the fiscal year ending June 30, 2007. The pay plan adopted by the governor under this subsection for fiscal year 2007 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.";

Also on page 194, in line 3, by striking "(1)" and inserting "(B)"; in line 11, by striking "(p)(1)" and inserting "(p)(1)(B)"; in line 14, by striking "2.5%" and inserting "2.0%"; in line 16, by striking "(2)" and inserting "(C)"; in line 29, by striking "(p)(2)" and inserting "(p)(1)(C)"; in line 33, by striking "2.5%" and inserting "2.0%"; in line 35, by striking "(p)(2)" and inserting "(p)(1)(C)"; preceding line 40, by inserting the following as follows:

"(q) (1) There is hereby appropriated for the state finance council from the state general fund for the fiscal year ending June 30, 2007, the sum of \$22,340,879 to be used for the purpose of paying the proportionate share of the cost to the state general fund of:

(A) The pay rate increases which are provided for by modification of the pay plan for state officers and employees in the classified service under the Kansas civil service act as provided in subsection (p)(1)(A), by providing (i) a base pay rate increase of 1.5% 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, 2007, (ii) step movement of a single pay step increase on the pay plan for each person in the classified service under the Kansas civil service act who is on pay step 15 or lower and whose latest performance

review rating during the twelve-month period preceding September 10, 2006, is at least satisfactory, to the next pay step, which shall be effective on the first day of the payroll period commencing on September 10, 2006, which is chargeable to the fiscal year ending June 30, 2007, in accordance with the applicable provisions of the Kansas civil service act and rules and regulations adopted thereunder, (iii) a base pay rate increase equal to a single pay step increase for each person in the classified service under the Kansas civil service act who is at a pay rate above the pay grade for such person's job class, which shall be effective on the first day of the payroll period commencing on September 10, 2006, which is chargeable to the fiscal year ending June 30, 2007, (iv) a \$.30 per hour retention incentive pay rate differential for selected skilled job trade classes in the building trade job classes, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2007, (v) a single pay step increase pay rate differential for uniformed correctional officer job classes of the department of corrections and juvenile correctional officer job classes of the juvenile justice authority, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2007, (vi) a single pay step increase pay rate differential for those employees at Larned state hospital who currently earn an hourly pay rate differential for hazardous duty pay, and (viii) reassignment of entry level correctional officer job classes from pay grade 17, step 4, of the pay plan to pay grade 17, step 6, of the 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, 2007; and

(B) the salary increases for state officers and employees in the unclassified service under the Kansas civil service act which are provided for in subsection (p)(1)(B) and subsection (p)(1)(C) for biweekly pay periods which are chargeable to the fiscal year ending June 30, 2007.

(2) To pay the proportionate share of the cost to the state general fund of each state agency for the salary increases specified in subsection (q)(1), including associated employer contributions, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the appropriation under subsection (q)(1) by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with such approval, to the proper accounts created by state general fund appropriations for the fiscal year ending June 30, 2007.

(3) Upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts established for the fiscal year ending June 30, 2007, by the director of accounts and reports, who is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts in accordance with such approval, for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases specified in subsection (q)(1) for the fiscal year ending June 30, 2007.

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

(5)

LEGISLATIVE COORDINATING COUNCIL

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Legislative coordinating council — operations	\$13,292
Legislative research department — operations.....	\$52,514

Office of revisor of statutes — operations \$40,036
(6)

LEGISLATURE

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operations (including official hospitality)..... \$147,740
(7)

DIVISION OF POST AUDIT

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operations (including legislative post audit committee) \$36,210
(8)

JUDICIAL BRANCH

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Judiciary operations \$2,150,446

(B) During the fiscal year ending June 30, 2007, notwithstanding the provisions of K.S.A. 75-31201 and amendments thereto, this section or any other statute to the contrary, no expenditures shall be made from any moneys appropriated for the judicial branch from the state general fund or any special revenue fund for fiscal year 2007 by this or other appropriation act of the 2006 regular session of the legislature to pay any amount of salary or other compensation to provide for any increase in salary or other compensation for the chief justice of the supreme court, any other justice of the supreme court, the chief judge of the court of appeals, any other judge of the court of appeals, any district judge or any district magistrate judge for fiscal year 2007 that is greater than a 2.0% increase in any such salary or other compensation: *Provided further*, That, during the fiscal year ending June 30, 2007, no provision of this section or any other statute shall be deemed to constitute or to otherwise authorize increases in the monthly rates of compensation from step movements of the pay plan for persons in the classified service under the Kansas civil service act under K.S.A. 75-31201 and amendments thereto that would provide an aggregate percentage increase of compensation for fiscal year 2007 that is greater than 2.0% in the salary or other compensation of the chief justice of the supreme court, any other justice of the supreme court, the chief judge of the court of appeals, any other judge of the court of appeals, any district judge or any district magistrate judge and no such salary or other compensation shall be increased for fiscal year 2007 based upon the provisions of this section or any other statute by any aggregate percentage increase of compensation greater than 2.0%: *And provided further*, That, notwithstanding any provision of K.S.A. 75-31201 and amendments thereto to the contrary, the provisions of K.S.A. 75-31201 and amendments thereto shall be construed to provide an aggregate percentage increase of compensation equal to 2.0% for fiscal year 2007 for the chief justice of the supreme court, each other justice of the supreme court, the chief judge of the court of appeals, each other judge of the court of appeals, each district judge and each district magistrate judge, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2007.

(9)

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Central administration operations and parole and postrelease supervision
operations \$2,107,840

(10)

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures \$257,807

(11)

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Larned state hospital — operating expenditures \$89,419”;

On page 196, in line 32, following the semicolon by inserting “and”; in line 34, by striking the semicolon; by striking all in lines 35 and 36; in line 37, by striking all preceding the period; and the bill be passed as amended.

Committee on **Education** recommends **SB 485** be passed.

Committee on **Judiciary** recommends **HB 2880** be amended on page 1, in line 21, by striking “\$14” and inserting “\$11.50”; in line 23, before “\$2”, by inserting “\$2.50 to the Kansas commission on peace officers’ standards and training fund established by K.S.A. 74-5619, and amendments thereto,”; in line 37, before “the” where it appears the first time, by inserting “the Kansas commission on peace officers’ standards and training fund,”;

On page 3, in line 5, by striking “68.50” and inserting “62.50”; in line 6, by striking “68.50” and inserting “62.50”;

On page 4, following line 16, by inserting:

“Sec. 4. K.S.A. 12-1,120 is hereby amended to read as follows: 12-1,120. (a) ~~Before January 1, 1988~~, Each person holding office as chief of police of any city in this state ~~on the effective date of this act~~ shall be fingerprinted as provided by this section.

(b) Before assuming the office of chief of police of any city in this state, a person shall be fingerprinted as provided by this section.

(c) Fingerprinting pursuant to this section shall be done by the law enforcement agency of the city in the presence of the city clerk. The city clerk shall forthwith forward the fingerprints to the Kansas bureau of investigation for a search of state and national fingerprint files to determine whether the person qualifies for admission to the law enforcement training center pursuant to subsection ~~(c)~~ (a)(3) of K.S.A. 74-5605 and amendments thereto. The Kansas bureau of investigation shall certify any conviction record of the person, or lack thereof, found as a result of such search to the city clerk and, if such a record is found, to the attorney general.

(d) Fingerprints taken and submitted pursuant to this section shall be on forms approved by the attorney general.

(e) The cost of a search of fingerprint files pursuant to this section shall be paid by the person being fingerprinted.

Sec. 5. K.S.A. 2005 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) a violation of K.S.A. 8-1567, and amendments thereto, or a violation of any law of another state, which declares to be unlawful the acts prohibited by that statute;

(3) 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;

(4) 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;

(5) 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;

(6) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(7) 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;

(8) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(9) 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) abuse of a child as defined in K.S.A. 21-3609, and amendments thereto; (12) capital murder as defined in K.S.A. 21-3439, and amendments thereto; (13) murder in the first degree as defined in K.S.A. 21-3401, and amendments thereto; (14) murder in the second degree as defined in K.S.A. 21-3402, and amendments thereto; (15) voluntary manslaughter as defined in K.S.A. 21-3403, and amendments thereto; (16) involuntary manslaughter as defined in K.S.A. 21-3404, and amendments thereto; (17) involuntary manslaughter while driving under the influence of alcohol or drugs as defined in K.S.A. 2005 Supp. 21-3442, and amendments thereto; (18) 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) aggravated sexual battery as defined in K.S.A. 21-3518, and amendments thereto; or (20) 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. There shall be no docket fee for filing a petition pursuant to this section. 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. 2005 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 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) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(F) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(G) 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;

(H) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 2005 Supp. 17-12a102, and amendments thereto; or

(I) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, 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 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 sentencing commission;
- (11) 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;
- (12) 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;

(13) the Kansas ~~law enforcement training~~ 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; or

(14) 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.

Sec. 6. K.S.A. 2005 Supp. 22-4604 is hereby amended to read as follows: 22-4604. (a) The governor, with the assistance of the attorney general and the Kansas ~~law enforcement training~~ commission *on peace officers' standards and training*, shall develop a request for a proposal for a system to collect and report statistics relating to the race, ethnicity, gender, age and residency by county and state of those who come in contact with law enforcement activities.

(b) Proposals submitted pursuant to the request shall contain, at a minimum:

(1) A system to collect data on a statistically significant sample of those persons who:

(A) Are arrested;

(B) while operating a motor vehicle, are stopped by a law enforcement officer; and

(C) while a pedestrian, are stopped by a law enforcement officer;

(2) which contains the race, ethnicity, gender, age and residency by county and state of such persons;

(3) which has a schedule and plan of implementation, including training;

(4) other factors which may be relevant to law enforcement officers in stopping or arresting individuals;

(5) civilian complaints received by law enforcement agencies alleging bias based on race, ethnicity, gender, age or residency by county or state; and

(6) a survey of policies of law enforcement agencies relating to the investigation of complaints based on alleged race, ethnicity, gender, age or residency bias.

(c) Data acquired pursuant to this proposal shall not contain any information that may reveal the identity of any individual.

(d) The governor, with the assistance of the attorney general, shall select the most comprehensive proposal and implement such proposal, subject to the availability of any grant or grants for such purpose from the United States department of justice or any other governmental or private agency.

(e) The results of such study shall be submitted to the governor and attorney general within 90 days after conclusion of such study. The governor shall submit the study to the legislature with one or more of the following:

(1) An evaluation of the study;

(2) an implementation plan to expand the data collection and reporting system to other law enforcement agencies and whether such system should be made permanent; and

(3) recommendations to improve law enforcement training and operations to address racial, ethnic, gender, age or residency bias.

Sec. 7. K.S.A. 2005 Supp. 74-5602 is hereby amended to read as follows: 74-5602. As used in the Kansas law enforcement training act:

(a) "Training center" means the law enforcement training center within the division of continuing education of the university of Kansas, created by K.S.A. 74-5603 and amendments thereto.

(b) "Commission" means the Kansas ~~law enforcement training~~ commission *on peace officers' standards and training*, created by K.S.A. 74-5606 and amendments thereto.

(c) "Dean" means the dean of ~~the division of~~ continuing education of the university of Kansas.

(d) "Director," ~~as created in K.S.A. 74-5603 and amendments thereto,~~ *of police training*" means the director of police training at the law enforcement training center.

(e) "Director" means the executive director of the Kansas commission *on peace officers' standards and training*.

(f) "Law enforcement" means the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof.

(f) (g) “Police officer” or “law enforcement officer” means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof. Such terms shall include, but not be limited to, the sheriff, undersheriff and full-time or part-time salaried deputies in the sheriff’s office in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858 and amendments thereto; conservation officers of the Kansas department of wildlife and parks; university police officers, as defined in K.S.A. 22-2401a, and amendments thereto; campus police officers, as defined in K.S.A. 22-2401a, and amendments thereto; law enforcement agents of the director of alcoholic beverage control; law enforcement agents of the Kansas lottery; law enforcement agents of the Kansas racing commission; deputies and assistants of the state fire marshal having law enforcement authority; capitol area security guards, existing under the authority of K.S.A. 75-4503 and amendments thereto. Such terms shall also include railroad policemen appointed pursuant to K.S.A. 66-524 and amendments thereto; ~~and~~ school security officers designated as school law enforcement officers pursuant to K.S.A. 72-8222 and amendments thereto; *and the director of the Kansas commission on peace officers’ standards and training and any other employee of such commission designated by the director pursuant to K.S.A. 74-5603, and amendments thereto, as a law enforcement officer.* Such terms shall not include any elected official, other than a sheriff, serving in the capacity of a law enforcement or police officer solely by virtue of such official’s elected position; any attorney-at-law having responsibility for law enforcement and discharging such responsibility solely in the capacity of an attorney; any employee of the commissioner of juvenile justice, the secretary of corrections or the secretary of social and rehabilitation services; any deputy conservation officer of the Kansas department of wildlife and parks; or any employee of a city or county who is employed solely to perform correctional duties related to jail inmates and the administration and operation of a jail; or any full-time or part-time salaried officer or employee whose duties include the issuance of a citation or notice to appear provided such officer or employee is not vested by law with the authority to make an arrest for violation of the laws of this state or any municipality thereof, and is not authorized to carry firearms when discharging the duties of such person’s office or employment. Such term shall include any officer appointed or elected on a provisional basis.

(f) (h) “Full-time” means employment requiring at least 1,000 hours of law enforcement related work per year.

(f) (i) “Part-time” means employment on a regular schedule or employment which requires a minimum number of hours each payroll period, but in any case requiring less than 1,000 hours of law enforcement related work per year.

(f) (j) “Misdemeanor crime of domestic violence” means a violation of domestic battery as provided by K.S.A. 2005 Supp. 21-3412a and amendments thereto, or any other misdemeanor under federal, municipal or state law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

(f) (k) “Auxiliary personnel” means members of organized nonsalaried groups which operate as an adjunct to a police or sheriff’s department, including reserve officers, posses and search and rescue groups.

(l) “Active law enforcement certificate” means a certificate which attests to the qualification of a person to perform the duties of a law enforcement officer and which has not been suspended or revoked by action of the Kansas commission on peace officers’ standards and training and has not lapsed by operation of law as provided in K.S.A. 74-5622, and amendments thereto.

Sec. 8. K.S.A. 74-5603 is hereby amended to read as follows: 74-5603. (a) There is hereby created within ~~the division of~~ continuing education of the university of Kansas a law enforcement training center, to be located at the former site of the U. S. naval air station in Reno county. The purpose and function of such training center shall be the promotion and development of improved law enforcement personnel and procedures throughout the state,

and the training center shall offer to qualified applicants, as defined in K.S.A. 74-5605 and amendments thereto, such programs and courses of instruction designed to fulfill this end. *No person shall enroll in a basic course of instruction at the Kansas law enforcement training center unless the person holds a provisional law enforcement certificate.*

(b) The dean, upon consultation with and approval of the commission, shall appoint a director of police training. The dean shall also appoint such additional personnel as deemed necessary to carry out the law enforcement training programs of the training center. Such personnel, whether administrative, instructional or research, shall be in the unclassified service under the Kansas civil service act.

~~(b)~~ *(c) The director of police training shall be responsible for the administration of the training center and for the operation of the programs thereunder. The director of police training shall be responsible for determining the curriculum of the program, subject to such changes and modification as are directed by the law enforcement training commission. In consultation with the law enforcement training commission, the director of police training may prescribe a code of conduct applicable to all trainees at the Kansas law enforcement training center. Upon consultation with and approval of the law enforcement training commission, the director of police training is authorized to adopt such rules and regulations as are necessary for the effective operation of the law enforcement training program.*

~~(c) The dean, upon consultation with and the approval of the commission, shall appoint a director of police training. The dean shall also appoint such additional personnel as is deemed necessary to carry out the law enforcement training programs of the training center, and such personnel, whether administrative, instructional or research, shall be in the unclassified service under the Kansas civil service act.~~

(d) Kansas commission on peace officers' standards and training shall appoint a director who shall be in the unclassified service under the Kansas civil service act.

(1) The director shall serve at the pleasure of the Kansas commission on peace officers' standards and training and shall be subject to removal by vote of 3/4 of the entire commission membership.

(2) The director shall enter into contracts necessary to administer the provisions of the Kansas law enforcement training act.

(3) The director may appoint employees, agents and consultants as the director considers necessary and prescribe their duties.

(4) The director shall be a law enforcement officer. The director may designate any other employee of the Kansas commission on peace officers' standards and training as a law enforcement officer. The director and any employee designated as a law enforcement officer by the director shall possess all powers and privileges which are now or may hereafter be given to an agent of the Kansas bureau of investigation and may exercise such powers and privileges throughout the state.

Sec. 9. K.S.A. 74-5604a is hereby amended to read as follows: 74-5604a. (a) The director of police training may establish a program for ~~periodically~~ extending the law enforcement training and instruction ~~of the training center~~ throughout the state on a regional basis. The director ~~also shall~~ of police training ~~also may~~ certify annually the training schools of state and local law enforcement agencies providing a course of law enforcement training for full-time police officers or law enforcement officers ~~of not less than 320 hours of instruction, and whose when such~~ training programs ~~also~~ satisfy the qualifications and standards promulgated by the director of police training after approval of the commission ~~and when such programs satisfy a demonstrated training need not met by existing programs~~. The director of police training shall establish a course in basic law enforcement training ~~of not less than 80 hours~~ for part-time police officers or law enforcement officers, approved by the commission, to be provided at the training center and certified state and local law enforcement training schools. In addition, after the general election of each election year and prior to January 1 of the next succeeding year, and at such other times as the director of police training deems necessary, the director of police training shall commence a training course for persons elected to the office of sheriff at the preceding general election.

(b) The director of police training shall conduct a pretraining evaluation of applicants for admission to the course for law enforcement officers conducted by the training center or to any certified state or local law enforcement training school to assure that each applicant

is qualified to serve as a law enforcement officer. The director of *police training* shall adopt minimum standards, which shall receive prior approval by the commission, to be considered in the pretraining evaluation. The director of *police training* shall advise the city, county or state agency, railroad, school district or community college authorizing the applicant to attend the training center or certified state or local law enforcement training school of the results of the pretraining evaluation. The director of *police training*, with approval of the commission, may reject an applicant to the training center who does not meet the minimum pretraining standards.

Sec. 10. K.S.A. 2005 Supp. 74-5605 is hereby amended to read as follows: 74-5605. (a) Every applicant for admission to a course for police officers or law enforcement officers conducted by the training center certification shall be an employee of a state, county or city law enforcement agency, a municipal university police officer, a railroad policeman appointed pursuant to K.S.A. 66-524, and amendments thereto; an employee of the tribal law enforcement agency of an Indian nation that has entered into a tribal-state gaming compact with this state; or a school security officer designated as a school law enforcement officer pursuant to K.S.A. 72-8222, and amendments thereto. Prior to admission to a course conducted at the training center or at a certified state or local law enforcement agency, the applicant shall furnish to the director of *police training* a statement from the applicant's appointing authority or agency head certifying the applicant's fulfillment of the following requirements. The applicant:

- (1) Is a United States citizen;
- (2) has been fingerprinted and a search of local, state and national fingerprint files has been made to determine whether the applicant has a criminal record;
- (3) has not been convicted, does not have an expunged conviction, and on and after July 1, 1995, has not been placed on diversion by any state or the federal government for a crime which is a felony or its equivalent under the uniform code of military justice;
- (4) has not been convicted, does not have an expunged conviction, has not been placed on diversion by any state or the federal government for a misdemeanor crime of domestic violence or its equivalent under the uniform code of military justice, when such misdemeanor crime of domestic violence was committed on or after the effective date of this act;
- (5) is the holder of a high-school diploma or furnishes evidence of successful completion of an examination indicating an equivalent achievement;
- (6) is of good moral character;
- (7) has completed a psychological test approved by the commission;
- (8) is free of any physical or mental condition which might adversely affect the applicant's performance of a police officer's or law enforcement officer's duties; and
- (9) is at least 21 years of age.

~~(b) The provisions of paragraph (1) of subsection (a) shall not apply to a Canadian citizen with prior law enforcement experience who resides in Stevens county. This subsection shall expire on July 1, 2006.~~

~~(c) (b) The provisions of paragraph (1) of subsection (a) shall not apply to a citizen of the United Kingdom with prior law enforcement experience who resides in Finney county. This subsection shall expire on July 1, 2007.~~

Sec. 11. K.S.A. 74-5606 is hereby amended to read as follows: 74-5606. (a) There is hereby created the Kansas law enforcement training commission on peace officers' standards and training which shall consist of 12 members which shall include:

- (1) The superintendent of the Kansas highway patrol, or the superintendent's designee;
- (2) the director of the Kansas bureau of investigation, or the director's designee;
- (3) a sheriff of a county having a population of 50,000 or more, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas sheriffs' association;
- (4) a sheriff of a county having a population of less than 50,000 and more than 10,000, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas sheriffs' association;
- (5) a sheriff of a county having a population of 10,000 or less, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas sheriffs' association;

(6) a chief of police of a city of the first class, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas association of chiefs of police;

(7) a chief of police of a city of the second class, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas association of chiefs of police;

(8) a chief of police of a city of the third class, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas association of chiefs of police;

(9) a training officer from a certified state or local law enforcement training school, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas peace officers association;

(10) a full-time, commissioned law enforcement officer employed by either a state, county or city agency, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the fraternal order of police;

(11) a county or district attorney, or an assistant county or district attorney, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the county and district attorneys' association; and

(12) a member representing the public at large who is not associated with law enforcement, selected by the governor to serve as chairperson.

(b) Each person initially appointed to a position described in subsection (a)(6), (a)(7), (a)(8), (a)(9) or (a)(12) shall serve for a two-year term and thereafter the term of members appointed to such positions shall be four years. Each person appointed to a position described in subsection (a)(3), (a)(4), (a)(5), (a)(10) or (a)(11) shall serve for a four-year term. A person appointed to a position on the commission shall resign such position upon vacating the office or position which qualified such person to be appointed as a member of the commission in that position. Vacancies in any position shall be filled in the same manner as original appointments.

(c) Membership on the commission shall not constitute holding a public office, and members of the commission shall not be required to take and file oaths of office before serving on the commission and shall not be required to be bonded. No member of the commission shall be disqualified from holding any public office or employment by reason of the member's appointment to or membership on the commission and no such member shall forfeit any such office or employment by reason of the member's appointment under this section, notwithstanding the provision of any law or ordinance. *Membership of members employed by a city or county shall be deemed for all purposes a duty of the member's employment by such city or county.*

Sec. 12. K.S.A. 2005 Supp. 74-5607 is hereby amended to read as follows: 74-5607. (a) In addition to other powers and duties prescribed by law, the commission shall adopt, in accordance with the provisions of K.S.A. 77-415 et seq., and amendments thereto, rules and regulations necessary to carry out the provisions of subsection (c) of K.S.A. 74-5616, and amendments thereto, and such other rules and regulations as necessary to administer this act. The commission may also adopt such rules of procedure as are necessary for conducting the business of the commission.

(b) In all matters pending before the commission, the commission shall have the power to:

- (1) Administer oaths and take testimony;
- (2) issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the district courts. In case of the failure of any person to comply with any subpoena issued on behalf of the commission, or on the refusal of any witness to testify to any matters regarding which the witness may be lawfully interrogated, the district court of any county, on application of a member of the commission, may require compliance by proceedings for contempt, as in the case of failure to comply with a subpoena issued from such court or a refusal to testify in such court. Each witness who appears before the commission by its order or subpoena, other than a state officer or employee, shall receive

for such attendance the fees and mileage provided for witnesses in civil cases in courts of record which shall be audited and paid upon presentation of proper vouchers sworn to by such witnesses and approved by the chairperson of the commission or by a person or persons designated by the chairperson;

(3) enter into contracts necessary to administer the provisions of this act and the certification of law enforcement officers; and

(4) assess the costs of such matters pending before the commission under this section against the governmental entity employing the police officer or law enforcement officer.

(c) Members of the ~~law enforcement training~~ commission attending meetings of the commission, or attending a subcommittee meeting authorized by the commission, shall be paid amounts provided for in subsection (e) of K.S.A. 75-3223, and amendments thereto. The director ~~and the chairperson of the commission~~ shall be responsible for approving all expense vouchers of members.

(d) The commission shall meet at least once each year at the training center and may hold ~~special~~ other meetings whenever they are called by the chairperson.

(e) The commission shall adopt the rules and regulations that are necessary to ensure that law enforcement officers are adequately trained and to enforce the provisions of this act. Such rules and regulations shall include, but are not limited to, the establishment of a course of fire as a standard qualification for active law enforcement officers to carry firearms that may also be used for qualified retired officers to carry firearms pursuant to federal law. The director shall provide qualification opportunities for qualified retired officers at least twice a year at the times and places the director determines to be necessary. The training center shall charge and collect a fee from retired state, local and federal officers for the qualification opportunities, but these fees shall be limited to the actual costs of presenting the standard qualifications course.

Sec. 13. K.S.A. 74-5607a is hereby amended to read as follows: 74-5607a. (a) ~~No person shall receive a permanent appointment~~ *The commission shall not issue a certification* as a full-time police officer or law enforcement officer; unless such officer has been awarded a certificate attesting to satisfactory completion of a *full-time officer basic* course ~~of not less than 320 hours~~ of accredited instruction at the training center or at a certified state or local law enforcement training school or has been awarded such a certificate for not less than the number of hours of instruction required by the Kansas law enforcement training act at the time such certificate was issued or received a permanent appointment as a full-time police officer or law enforcement officer prior to July 1, 1969, or was appointed a railroad policeman pursuant to K.S.A. 66-524, and amendments thereto, on or before January 1, 1982. No person shall receive ~~a permanent appointment~~ *certification* as a part-time police officer or law enforcement officer; unless such officer has been awarded a certificate attesting to the satisfactory completion of ~~the basic course of not less than 80 hours of accredited~~ *a part-time officer basic course* of instruction in law enforcement at the training center or at a certified state or local law enforcement training school.

(b) Beginning the second year after certification, every full-time police officer or law enforcement officer shall complete annually 40 hours of law enforcement education or training in subjects relating directly to law enforcement. Failure to complete such training shall be grounds for suspension from work without pay until such training is completed. The director with the approval of the commission shall adopt rules and regulations regarding such education or training. Every city, county and state agency shall ~~annually~~ send to the director certified reports of the completion of such education or training. The director shall maintain a record of the reports in the central registry.

(c) Subject to the provisions of subsection (d):

(1) Any person who is appointed or elected as a police officer or law enforcement officer and who does not hold a certificate as required by subsection (a) may be ~~elected or appointed as an officer on a provisional basis for a period of not more than one year. Any person appointed as a police officer or law enforcement officer on a provisional basis who does not receive the certificate required under subsection (a) within one year following the date of the person's original election or appointment shall forfeit such office or position at the end of such one-year period. Any person appointed as a police officer or law enforcement officer on a provisional basis who does not receive the certificate required under subsection (a)~~

within one year following such original appointment shall not be reappointed as a police officer or law enforcement officer on a provisional basis within one year following the date on which such person last served as a police officer or law enforcement officer issued a provisional certificate for a period of one year. The director may extend the one-year period for the provisional certificate if in the director's determination the extension would not constitute an intentional avoidance of the requirements of subsection (a). If a person's provisional certificate expires or is revoked, the person shall not be issued another provisional certificate within one year of the expiration or revocation. A provisional certificate shall be revoked upon dismissal from any basic training program authorized by K.S.A. 74-5604a, and amendments thereto. A provisional certificate may be revoked upon voluntary withdrawal from any basic training program authorized by K.S.A. 74-5604a, and amendments thereto.

(2) Any police officer or law enforcement officer who does not complete the education or training required by subsection (b) by the date such education or training is required to have been completed shall be subject to revocation or suspension of certification and loss of the officer's office or position.

(d) The director may extend the one-year time period for the 320 hour basic-reciprocity school or 60 hour part-time school and may extend, waive or modify the annual continuing education requirement, when it is shown that the failure to comply with the requirements of subsection (a) or (b) was not due to the intentional avoidance of the law.

Sec. 14. K.S.A. 74-5608a is hereby amended to read as follows: 74-5608a. (a) The director may, in the exercise of discretion, award a certificate attesting to the satisfactory completion of a basic course of instruction to any person who has been duly certified under the laws of another state or territory if, in the opinion of the director, the requirements for certification in such other jurisdiction equal or exceed the qualifications required to complete satisfactorily the basic course of instruction at the training center.

(b) The director may waive any number of the hours or courses required to complete the basic course of instruction at the training center, 60 hour part-time school, reciprocity school or for the hours required for annual continuing education for any person who, in the opinion of the director, has received sufficient training or experience that such hours of instruction at the training center would be, unless waived, unduly burdensome or duplicitous.

Sec. 15. K.S.A. 74-5611 is hereby amended to read as follows: 74-5611. The director of the law enforcement academy police training shall annually report to the attorney general of the state of Kansas the names of all persons who attended said academy law enforcement training center during each training year.

Sec. 16. K.S.A. 2005 Supp. 74-5611a is hereby amended to read as follows: 74-5611a. (a) The director commission shall establish and maintain a central registry of all Kansas police officers or law enforcement officers. The purpose of the registry is to be a resource for all agencies who appoint or elect police or law enforcement officers to use when reviewing employment applications of such officers. The registry shall be made available only to those agencies who appoint or elect police or law enforcement officers.

(b) The director shall provide forms for registration and shall refuse any registration not submitted on such form in full detail.

(c) Within 30 days of appointment, election or termination, every city, county and state agency, every school district and every community college shall submit the name of any person appointed or elected to or terminated from the position of police officer or law enforcement officer within its jurisdiction.

(d) Upon termination, the agency head shall include a report explaining the circumstances under which the officer resigned or was terminated. Such termination report shall be available to the terminated officer and any law enforcement agency to which the terminated officer later applies for a position as a police officer or law enforcement officer. The terminated officer may submit a written statement in response to the termination and any such statement shall be included in the registry file concerning such officer. The director shall adopt a format for the termination report.

(e) The agency, agency head and any officer or employee of the agency shall be absolutely immune from civil liability:

(1) For the report made in accordance with subsection (d); and

(2) when responding in writing to a written request concerning a current or former officer from a prospective law enforcement agency of that officer for the report made in accordance with subsection (d) and for the disclosure of such report.

Sec. 17. K.S.A. 74-5616 is hereby amended to read as follows: 74-5616. (a) ~~To be eligible for permanent appointment as a police officer or law enforcement officer, a person must first be certified to perform the function of law enforcement by the Kansas law enforcement training commission. No person shall be appointed as a full-time law enforcement officer unless the person holds a full-time active law enforcement certificate or a provisional law enforcement certificate. No person shall be appointed as a part-time officer unless the person holds a full-time active law enforcement certificate, a part-time active law enforcement certificate or a provisional certificate.~~ The commission's certification shall be awarded to persons who:

(1) ~~Are at least 21 years of age, have successfully completed or satisfied the training requirements specified by subsection (a) of K.S.A. 74-5607a and amendments thereto and meet the requirements of K.S.A. 74-5605 and amendments thereto,~~ (2) Received a permanent appointment as a police officer or law enforcement officer prior to July 1, 1969; or (3)

(2) hold a permanent appointment as a police officer or law enforcement officer on July 1, 1983.

(b) The commission may suspend, revoke, *reprimand*, *censure* or deny the certification of a police officer or law enforcement officer who:

(1) Fails to meet the requirements of K.S.A. 74-5605 or 74-5607a, and amendments thereto, or has met such requirements by falsifying documents or failing to disclose information required for certification;

(2) *fails to meet and maintain the minimum standards for certification adopted by the commission;*

(3) *provides false information or otherwise fails to cooperate in a commission investigation to determine a person's suitability for law enforcement certification;*

(4) *fails to complete the annual continuing education required by K.S.A. 74-5607a, and amendments thereto, and implementing rules and regulations or otherwise fails to comply with the requirements of this act; or*

(5) *fails to maintain the requirements for initial certification as set forth in K.S.A. 74-5605, and amendments thereto, and any implementing rules and regulations.*

(c) The commission shall immediately institute proceedings to revoke the certification of any police officer or law enforcement officer convicted of, or on or after July 1, 1995, diverted for a felony under the laws of this state, another state or the United States or of its equivalent under the uniform code of military justice or convicted of or diverted for a misdemeanor crime of domestic violence under the laws of this state, another state or the United States or of its equivalent under the uniform code of military justice, when such misdemeanor crime of domestic violence was committed on or after the effective date of this act.

(d) The procedure for the public or private censure, reprimand, probation, suspension, revocation and denial of certification of a person as a police officer or law enforcement officer or an applicant for certification shall be in accordance with the Kansas administrative procedure act.

(e) Any action of the commission pursuant to subsection (d) is subject to review in accordance with the act for judicial review and civil enforcement of agency actions. *Upon request of the commission, the attorney general shall prosecute or defend any action for review on behalf of the state, but the county or district attorney of the county where the police or law enforcement officer has been employed as such shall appear and prosecute or defend such action upon request of the attorney general or commission. The commission may elect to retain the services of a private attorney to appear and prosecute or defend any action on behalf of the commission.*

Sec. 18. K.S.A. 74-5617 is hereby amended to read as follows: 74-5617. (a) Every candidate for permanent appointment to a position as a police officer or law enforcement officer shall ~~meet the minimum training criteria specified in K.S.A. 74-5605 and amendments thereto and shall have attained 21 years of age~~ *hold permanent or provisional certification.*

(b) For the purpose of determining the eligibility of an individual for certification under this act, the commission may require the submission of training and education records, and experience history, medical history, medical examination reports and records, and interview appraisal forms.

(c) Law enforcement agencies in Kansas shall be responsible for their agency's observance of the hiring requirements of this section.

(d) No law enforcement agency head or other appointing authority shall knowingly permit the hiring of any person in violation of the requirements of this act, or knowingly permit the continued employment of any person as a law enforcement officer after receiving written notice from the commission that the person ~~has had such person's certification revoked as provided for under this act~~ *does not hold an active law enforcement certificate*. No law enforcement agency head or other appointing authority shall knowingly permit any auxiliary personnel who have been convicted of a felony offense under the laws of Kansas or any other jurisdiction access to law enforcement records or communication systems that are restricted under state or federal law or appoint as ~~a reserve officer~~ *auxiliary personnel* any person who does not meet the requirements of K.S.A. 74-5605 and amendments thereto. Any violation of the requirements of this act shall be deemed to constitute misconduct in office and shall subject the agency head or appointing authority to:

(1) Removal from office pursuant to K.S.A. 60-1205 and amendments thereto; or (2) a civil penalty in a sum set by the court of not to exceed \$500 for each occurrence of non-compliance in an action brought in the district court ~~by the attorney general or by the county or district attorney~~, which penalty shall be paid to the state treasurer for deposit in the state treasury and credit to the state general fund, ~~if the action is brought by the attorney general, or paid to the county treasurer for deposit in the county treasury and credit to the county general fund, if the action is brought by the county or district attorney~~ *Kansas commission on peace officers' standards and training fund*.

(e) Whenever in the judgment of the commission any person has engaged in any acts or practices which constitute a violation of this act, or any rules and regulations of the commission, the commission may make application to the district court, without giving bond, for civil enforcement of this act or rules and regulations in accordance with the act for judicial review and civil enforcement of agency actions. The district or county attorney of any county shall at the request of the commission render such legal assistance as necessary in carrying out the provisions of this act. Upon the request of the commission, the district or county attorney of the proper county shall institute in the name of the state or commission proceedings for appropriate relief, whether mandatory, injunctive or declaratory, preliminary or final, temporary or permanent, equitable or legal, against any person regarding whom a complaint has been made charging such person with the violation of any provision of this act.

(f) The commission shall make such inquiry as necessary to determine compliance with the requirements of this section and the rules and regulations adopted under it.

(g) It shall be the responsibility of the agency head to ensure that every police officer or law enforcement officer under their supervision has the opportunity to receive the mandatory training as prescribed in K.S.A. 74-5604a and amendments thereto.

Sec. 19. K.S.A. 74-5619 is hereby amended to read as follows: 74-5619. (a) (1) There is hereby created in the state treasury the law enforcement training center fund. All moneys credited to such fund under the provisions of this act or any other law shall be expended only for the purpose and in the manner prescribed by law, ~~including the expenditures for the operation of the Kansas law enforcement training commission to carry out its powers and duties as mandated by law.~~

~~(b)~~ (2) All moneys received for assessments as provided pursuant to K.S.A. 74-5607, 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 law enforcement training center fund.

(b) *There is hereby created in the state treasury the Kansas commission on peace officers' standards and training fund. All moneys credited to such fund under the provisions of this act or any other law shall be expended only for the purpose of the operation of the commission*

to carry out its powers and duties as mandated by law. The director may apply for and receive public or private grants, gifts and donations of money for the commission. All moneys received from grants, gifts and donations 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 Kansas commission on peace officers' standards and training fund.

(c) This section shall be part of and supplemental to the Kansas law enforcement training act.

Sec. 20. K.S.A. 74-5620 is hereby amended to read as follows: 74-5620. (a) There is hereby created in the state treasury the local law enforcement training reimbursement fund. All expenditures from the local law enforcement training fund shall: ~~(a)~~ (1) Be distributed to municipalities which participated in local law enforcement training programs, certified by the ~~law enforcement training~~ commission, which existed prior to January 1, 1992, in accordance with a distribution formula developed by the commission; ~~(b)~~ (2) not exceed more than 100% of the actual training costs incurred by the municipality in participating in the local law enforcement training program; and ~~(c)~~ (3) be distributed for basic law enforcement training and not be for any type of continuing law enforcement training education programs. No money shall be expended from this fund prior to January 1, 1993. Such distribution formula shall provide that distribution be based on the number of individuals trained and the cost per individual trained of each such municipality. Any such distributions shall be reviewed on a year-to-year basis and adjusted accordingly pursuant to the criteria specified in this section. The ~~law enforcement training~~ commission shall conduct a review of all local law enforcement training programs in which municipalities receiving expenditures pursuant to this act are participating and shall require that all such law enforcement training programs report their costs in a standardized format prescribed by the commission.

(b) *This section shall be part of and supplemental to the Kansas law enforcement training act.*

New Sec. 21. (a) (1) Notwithstanding the provisions of K.S.A. 74-4971, and amendments thereto, on or after the effective date of this act, the Kansas commission on peace officers' standards and training shall affiliate with the Kansas police and firemen's retirement system established under the provisions of K.S.A. 74-4951 et seq., and amendments thereto, pursuant to the provisions of this act for membership in the system of members of the staff of the Kansas commission on peace officers' standards and training who have been designated as law enforcement officers by the executive director pursuant to K.S.A. 74-5603, and amendments thereto, and successfully completed the required course of instruction for law enforcement officers approved by the Kansas law enforcement training center or are certified pursuant to the provisions of K.S.A. 74-5607a, and amendments thereto. For purposes of such affiliation for membership in the system of such members, the Kansas commission on peace officers' standards and training shall be considered a new participating employer. The Kansas commission on peace officers' standards and training shall make application for affiliation with such system in the manner provided by K.S.A. 74-4954, and amendments thereto, to be effective on July 1 next following application. The Kansas commission on peace officers' standards and training shall affiliate for membership in the system of such members for participating service credit.

(2) The Kansas commission on peace officers' standards and training shall pay a sum sufficient to satisfy any obligations as certified by the board of trustees of the retirement system and the employer contributions of the Kansas commission on peace officers' standards and training shall be as provided in subsection (1) of K.S.A. 74-4967, and amendments thereto.

(b) (1) Each such member of the staff employed by the Kansas commission on peace officers' standards and training on the date of affiliation, may become a member of the Kansas police and firemen's retirement system on the first day of the payroll period of such member, coinciding with or following the entry date of the Kansas commission on peace officers' standards and training as provided in this section, only by filing with the board of trustees of the system, on or before the entry date of the Kansas commission on peace officers' standards and training as provided in this section, a written election to become a member of the system. Failure to file such written election shall be presumed to be an

election not to become a member of the system. Such election, whether to become or not to become a member, shall be irrevocable.

(2) Each such member of the staff of the Kansas commission on peace officers' standards and training who is on an authorized leave of absence or is in the military service on the entry date of the Kansas commission on peace officers' standards and training as provided in this section may become a member of the Kansas police and firemen's retirement system on the first day of the first payroll period of such member, coinciding with such member's return to active employment and payroll of the Kansas commission on peace officers' standards and training, only by filing with the board of trustees of the system within 10 days after such return to active employment a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become a member or not to become a member, shall be irrevocable.

(c) Each such member who is employed as a member of the staff of the Kansas commission on peace officers' standards and training on or after the entry date of the Kansas commission on peace officers' standards and training into the Kansas police and firemen's retirement system as provided in this section shall become a member of the Kansas police and firemen's retirement system on the first day of such employment.

(d) If the Kansas commission on peace officers' standards and training affiliates as provided in this act, the Kansas commission on peace officers' standards and training and each member of the staff who elects to become a member shall be subject to the provisions of K.S.A. 74-4951 et seq., and amendments thereto, as applicable.

(e) The division of the budget of the department of administration and the governor shall include in the budget and in the budget request for appropriations for personnel services the amount required to satisfy the employer's obligation under this act as certified by the board of trustees of the system, and shall present the same to the legislature for allowance and appropriations.

(f) The determination of retirement, death or disability benefits shall be computed upon the basis of "credited service" as used in K.S.A. 74-4951 et seq., and amendments thereto, but shall include only participating service with the person's participating employer, commencing on and after the effective date of affiliation by the participating employer with the Kansas police and firemen's retirement system.";

And by renumbering remaining sections accordingly;

Also on page 4, in line 17, before "K.S.A.", by inserting "K.S.A. 12-1,120, 74-5603, 74-5604a, 74-5606, 74-5607a, 74-5608a, 74-5611, 74-5616, 74-5617, 74-5619 and 74-5620 and"; also in line 17, by striking "and" and inserting inserting ", 21-4619, 22-4604,"; also in line 17, after "28-172a", by inserting ", 74-5602, 74-5605, 74-5607 and 74-5611a";

In the title, in line 9, by striking "center" and inserting "act; relating to the Kansas commission on peace officers' standards and training"; in line 10, after "amending", by inserting "K.S.A. 12-1,120, 74-5603, 74-5604a, 74-5606, 74-5607a, 74-5608a, 74-5611, 74-5616, 74-5617, 74-5619 and 74-5620 and"; also in line 10, by striking "and" and inserting ", 21-4619, 22-4604,"; in line 11, before "and", by inserting ", 74-5602, 74-5605, 74-5607 and 74-5611a"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 434** be amended on page 2, in line 6, by striking "any offender who is" and inserting "on and after July 1, 2007, for offenders who are expected to be subject to supervision in Kansas, who are"; in line 8, by striking all after "instrument" and inserting "which shall be specified by the Kansas sentencing commission";

On page 3, after line 30, by inserting the following:

"Sec. 2. K.S.A. 2005 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. 2005 Supp. 21-4729, and amendments thereto, the drug and alcohol assessment as provided in K.S.A. 2005 Supp. 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) 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.”;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 31, after “Supp.” by inserting “21-4714 and”; also in line 31, by striking “is” and inserting “are”;

In the title, in line 10, after “Supp.” by inserting “21-4714 and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 479** be amended on page 1, in line 30, before “or” by inserting “while having alcohol or other drugs in such person's system.”;

On page 5, in line 26, by striking “may” and inserting “shall”; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2023** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2023,” as follows:

“Substitute for HOUSE BILL No. 2023

By Committee on Taxation

“AN ACT concerning sales taxation; relating to retailers' sales tax, authority of cities; amending K.S.A. 12-195b, as amended by section 3 of 2006 House Bill No. 2698, and

K.S.A. 2005 Supp. 12-187, as amended by section 1 of 2006 House Bill No. 2698, and 12-189, as amended by section 2 of 2006 House Bill No. 2698, and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2023** was thereupon introduced and read by title.)

Select Committee on **Veteran’s Affairs** recommends **HB 2746** be amended on page 1, in line 23, after “troops” by inserting “, Inc.”; in line 26, after “troops” by inserting “, Inc.”; in line 27, after “troops” by inserting “, Inc.”; in line 28, after “troops” by inserting “, Inc.”; in line 30, after “troops” by inserting “, Inc.”; in line 31, after “troops” by inserting “, Inc.”;

On page 2, in line 12, after “troops” by inserting “, Inc.”; in line 16, after “troops” by inserting “, Inc.”; in line 19, after “troops” by inserting “, Inc.”; by striking all in lines 22 through 43;

On page 3, by striking all in lines 1 through 27;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 10, by striking all after “plates”; in line 11, by striking all before the period and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGE

Speaker pro tem Merrick announced that Rep. Weber would replace Rep. Merrick on Committee on Appropriations

REPORT ON ENROLLED BILLS

HB 2562, HB 2574, HB 2606, HB 2607, HB 2617, HB 2626, HB 2703, HB 2704, HB 2757, HB 2759 reported correctly enrolled, properly signed and presented to the governor on March 13, 2006.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Tuesday, March 14, 2006.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

