

Journal of the Senate

SIXTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 10, 2006—10:00 a.m.

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

Heavenly Father,

When we go beyond three days in the Wrap-Up session we tend to start looking for whom or what to blame for the extended time. This is the 67th day we have met, and the sixth day in the Wrap-up.

Four years ago (almost to the day) we were trying to deal with a three quarter billion short fall, and we were in the 72nd day of the session. So I prayed a prayer in which I mentioned seventeen possible causes for not finishing on time. It was somewhat far- fetched, to say the least.

Today I decided to bring that prayer up to date and hopefully be a little more realistic.

We don't have to look very far
To find people who blame the Court.
Also it's true the Governor
Is mentioned in some reports.

It's certainly not unusual
For people to blame the Senate,
While others are blaming the House,
And everybody in it!

Some would blame the media;
Some might even blame God.
Although for quite a few,
The devil might get the nod.

And while we're looking for causes,
Perhaps the system's the key.
Thorny issues make it hard
For eight-four folks to agree!

So while blaming is sometimes required,
At this point in the proceedings
I think it's time to be praying
For the Conference Committees' meetings.

By the way, Lord,
While listing the possible causes
I omitted the Senate President's name.
I may not be very smart,
But I'm certainly not insane!!

I pray in the Name of Jesus Christ,

Amen

MESSAGE FROM THE GOVERNOR

H Sub SB 84 approved on May 10, 2006.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 142; H Sub SB 180; HB 2583.**

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 142**, submits the following report:

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

On page 1, in line 17, by striking "2004" and inserting "2005"; in line 40, after "writing" by inserting "on the ballot envelope";

On page 2, in line 21, by striking "2004" and inserting "2005";

On page 3, in line 13, after "designation" by inserting "on the ballot envelope";

On page 4, following line 35, by inserting the following:

"Sec. 3. K.S.A. 25-4401 is hereby amended to read as follows: 25-4401. As used in this act unless the context otherwise requires:

(a) ~~"Automatic tabulating equipment" includes apparatus necessary to examine automatically and count votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results.~~

~~(b) "Ballot card" means a ballot which is voted by the process of punching.~~

~~(c) "Ballot labels" means the cards, papers, booklet, pages or other material containing the names of offices and candidates and statements of measures to be voted on.~~

~~(d) "Ballot" may include ballot cards, ballot labels and paper ballots an electronic display or printed document containing the offices and questions on which voters in a specified voting area are eligible to vote.~~

~~(e) (b) "Counting location" means the location in the county selected by the county election officer for the automatic processing or counting, or both, of ballots.~~

~~(f) (c) "Electronic or electromechanical voting system" means a system of casting votes by use of marking devices and tabulating ballots employing automatic tabulating equipment or data processing equipment including a direct recording electronic system.~~

~~(d) "Direct recording electronic system" means a system that records votes by means of a ballot display provided with mechanical or electro-optical components that can be activated by the voter, that processes data by means of a computer program, that records voting data and ballot images in memory components, that produces a tabulation of the voting data stored in a removable memory component and as printed copy, and that may also provide a means for transmitting individual ballots or vote totals to a central location for consolidating and reporting results from precincts at the central location.~~

~~(g) "Marking device" means an apparatus in which ballots or ballot cards are inserted and used in connection with a punch apparatus for the piercing of ballots by the voter which will enable the ballot to be tabulated by means of automatic tabulating equipment. The hole made by such marking device may be in the form of a round dot, a rectangle, a square or any other shape that will clearly indicate the intent of the voter.~~

Sec. 4. K.S.A. 25-4403 is hereby amended to read as follows: 25-4403. (a) The board of county commissioners and the county election officer of any county may provide an electronic or electromechanical voting system to be used at voting places in the county at national, state, county, township, city and school primary and general elections and in question submitted elections.

(b) ~~When the board of county commissioners of any county is presented with a petition requesting a vote on the proposition of using electronic or electromechanical voting systems in such county, signed by electors equal in number to not less than ten percent of the votes cast for secretary of state in the county at the last preceding general election at which the secretary of state was elected, such board of county commissioners shall submit the proposition to the voters of such county at the next succeeding state primary or general election. If a majority of the votes cast on the proposition shall be in favor thereof the board of county commissioners and the county election officer shall provide such a system to be used at voting places at national, state, county, township, city and school primary and general elections and in question submitted elections.~~

~~(c) The board of county commissioners of any county in which the board of county commissioners and county election officer have determined that an electronic or electromechanical voting system shall be used or in which a proposition to use electronic or electromechanical systems has been adopted may issue bonds, without an election, to finance and pay for purchase, lease or rental of such a system.~~

~~(c) The board of county commissioners and the county election officer of any county may adopt, experiment with or abandon any electronic or electromechanical system herein authorized and approved for use in the state and may use such a system in all or any part of the voting areas within the county or in combination with an optical scanning voting system or with regular paper ballots. Whenever the secretary of state rescinds approval of any voting system, the board of county commissioners and the county election officer shall abandon such system until changes therein required by the secretary of state have been made, or if the secretary of state advises that acceptable changes cannot be made therein, such abandonment shall be permanent.~~

Sec. 5. K.S.A. 25-4404 is hereby amended to read as follows: 25-4404. The secretary of state shall examine and approve the kinds or makes of electronic or electromechanical voting systems, *including operating systems, firmware and software*, and no kind or make of such system shall be used at any election unless and until it ~~received approval~~ *receives certification* by the secretary of state and a statement thereof is filed in the office of the secretary of state.

Sec. 6. K.S.A. 25-4405 is hereby amended to read as follows: 25-4405. (a) Any person, firm or corporation desiring to sell any kind or make of electronic or electromechanical voting system to political subdivisions in Kansas may in writing request the secretary of state to examine the kind or make of the system which it desires to sell and shall accompany the request with a certified check in the sum of \$250 payable to the secretary of state to be used to defray a portion of the costs of such examination, and shall furnish at its own expense such system to the secretary of state ~~at the capitol in the city of Topeka, Kansas, for use by the secretary~~ in examining such ~~machine system~~. The secretary of state may require such person, firm or corporation to furnish a competent person to explain the system and demonstrate by the operation of such system that it ~~will do all the things required by article 44 of chapter 25 of Kansas Statutes Annotated and amendments thereto and can be safely used~~ *complies with state and federal laws*. The secretary of state may employ a competent person or persons to assist in the examination and to advise the secretary as to the sufficiency of such machine and to pay such persons reasonable compensation therefor. The costs of employment and any other costs associated with the approval of such system shall be paid in advance by the applicant.

(b) The secretary of state may require a review of any theretofore approved electronic or electromechanical voting system and the equipment and operation thereof. Such review shall be commenced by the secretary of state giving written notice thereof to the person, firm or corporation which sought approval of the system and to each county election officer and county commissioner of counties known to have purchased, leased or rented any such system or equipment thereof. Such notice shall fix a time and place of hearing at which those persons wishing to be heard may appear and give oral or written testimony and explanation of the system, its equipment and operation and experience had therewith. After such hearing date and after such review as the secretary of state deems appropriate, the secretary of state may renew approval of the system, require changes therein for continued

approval thereof or rescind approval previously given on either a conditioned or permanent basis.

(c) The secretary of state may appoint persons to assist county election officers or county commissioners in the testing of any electronic or electromechanical voting system and its equipment or the programs of such system.

Sec. 7. K.S.A. 25-4406 is hereby amended to read as follows: 25-4406. Electronic or electromechanical voting systems approved by the secretary of state:

(a) Shall provide ~~facilities~~ for voting for the candidates for nomination or election of ~~at least seven different~~ all political parties *officially recognized pursuant to K.S.A. 25-302a, and amendments thereto;*

(b) shall permit a voter to vote for any independent candidate for any office;

(c) shall provide for voting on constitutional amendments or other questions submitted;

(d) shall be so constructed that, as to primaries where candidates are nominated by political parties, the voter can vote only for the candidates of the political party with which the voter is affiliated or, if not affiliated, according to the voter's declaration when applying to vote;

(e) shall afford the voter an opportunity to vote for any or all candidates for an office for whom the voter is by law entitled to vote and no more, and at the same time shall prevent the voter from voting for the same candidate twice for the same office;

(f) shall be so constructed that in presidential elections the presidential electors of any political party may be voted for by one ~~mark or punch action;~~

(g) shall provide facilities for "write-in" votes;

(h) shall provide for voting in absolute secrecy, except as to persons ~~entitled to assistance~~ *who request assistance due to temporary illness or disability or a lack of proficiency in reading the English language;*

(i) shall reject all votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast; ~~and~~

(j) shall provide for instruction of voters on the operation of voting machines, illustrating the manner of voting by the use of such systems. The instruction may include printed materials or demonstration by election board workers; *and*

(k) *shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment.*

Sec. 8. K.S.A. 25-4407 is hereby amended to read as follows: 25-4407. (a) ~~When a county has voted to use electronic or electromechanical voting systems or when~~ a board of commissioners and county election officer have determined that such a voting system shall be used in a county, the board of county commissioners and the county election officer shall provide such number of units as shall be necessary to equip voting places for the use of voters. The board of county commissioners and the county election officer may purchase systems with payment by installments, may rent or lease systems or may lease machines with option to purchase with lease payments to be applied on the purchase price. Contracts for payment by installments, leases, rental agreements and leases with option to purchase may be for terms not exceeding ~~ten~~ 10 years, and the provisions of article 11 of chapter 10 of the Kansas Statutes Annotated and K.S.A. 79-2925 to 79-2940, inclusive, and amendments thereto, shall have no application to such contracts of purchase and lease or rental agreements, except that where payment is to be made from the general fund the budget shall provide for the raising of the necessary yearly amount to make installment or rental payments. Where the authorized maximum levy for the general fund is insufficient for all other yearly expenses chargeable against such fund and to pay installments or rentals on the voting systems, or where the aggregate limit for taxes is such that a sufficient tax for the general fund cannot be levied to pay all other yearly expenses chargeable against such fund and to pay installments or rentals on the systems, the board of county commissioners may levy a tax of sufficient millage to provide revenue to pay such installments or rentals and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county and such levy shall not be within or limited by any aggregate limit of tax for such county.

(b) For the use of voting systems the board of county commissioners may pay the same out of the general fund of such county, or issue time warrants bearing not to exceed five

percent interest and payable by not more than three annual tax levies of not to exceed two mills which shall not be within or limited by any aggregate tax levy applying to such county or issue general obligation bonds of such county, such bonds not to be limited by any bonded debt limit and such bonds shall not be considered in determining the bonded debt of the county for the purpose of issuing bonds for other purposes.

(c) No tax shall be levied under this section, nor shall any moneys be paid from any fund under authority of this section for any contract to purchase, lease or rent any electronic or electromechanical voting system or equipment thereof, if approval of such system or equipment has been rescinded by the secretary of state.

(d) *The secretary of state may purchase, rent or lease voting equipment only for the purpose of providing such equipment to counties pursuant to the provisions of the help America vote act of 2002, which requires each polling place to be equipped with at least one voting device which is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.*

Sec. 9. K.S.A. 25-4409 is hereby amended to read as follows: 25-4409. (a) In any voting area where electronic or electromechanical voting systems are used, the county election officer shall provide an adequate number of units of the systems to allow all voters expected by the county election officer to vote at such voting place.

(b) ~~The ballot information, whether placed on the ballot or on the marking device, shall, as far as practicable, be in the order of arrangement provided for paper ballots except that such information may be in vertical or horizontal rows, or in a number of separate pages. Ballots for all questions must be provided in the same manner and where ballots are placed in a marking device, they must be arranged on or in the marking device in the places provided for such purpose. Voting squares or ovals may be before or after the names of candidates and statements of questions, and shall be of such size as is compatible with the type of system used. Ballots and ballot labels shall be printed. Ballot information shall be displayed in as plain clear type and size as the ballot spaces will reasonably permit. Tear-off stubs shall be of a size suitable for the ballots or ballot cards used and for the requirements of the marking device. Where candidate rotation is used, each type of ballot within a voting area shall be of the same rotation series. The ballots or ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by the automatic tabulating equipment. Where candidate rotation is used, the voting equipment shall be capable of meeting the requirements otherwise provided in law.~~

(c) ~~A separate write-in ballot, which may be in the form of a paper ballot, card or envelope in which the elector places his or her ballot card after voting, shall be provided where necessary to permit electors to write in the names of persons whose names are not on the ballot.~~

(d) ~~The county election officer shall cause the marking devices to be put in order, set, adjusted and made ready for voting when delivered to the election precincts. Before the opening of the polls the election judges shall compare the ballots or ballot labels with the sample ballots furnished, and see that the names, numbers and letters ballot information thereon agree agrees and shall certify thereto on forms provided for this purpose. The certification shall be filed with the election returns.~~

Sec. 10. K.S.A. 25-4410 is hereby amended to read as follows: 25-4410. (a) Insofar as applicable, the procedures provided for voting on paper ballots shall apply to electronic and electromechanical voting systems.

(b) The county election officer shall provide for each voting place sample ~~ballot cards and ballot labels~~ ballots which shall be exact copies of the official ballots for the particular election. Such sample ballot cards and labels shall be arranged in the form of a diagram showing the front of the marking device as it will appear after the ballots are arranged therein for voting on election day. Such sample ballot cards and labels shall be posted near the entrance of voting booths and shall be there open to for public inspection during the hours that the polls are open on election day.

(c) ~~In addition to the instructions printed on the ballot or ballot labels, instructions to voters shall be posted in each voting booth or placed on the marking device. Each voter shall be instructed how to operate the voting device before such voter enters the voting~~

booth. When a voter is handed a ballot or ballot card, such voter shall be instructed to use only the marking device provided for punching or slotting the cards and to not mark the ballot or ballot card in any other way except for write-ins. The voter shall also be instructed to place his or her ballots in an envelope or other container after voting, in order that no card upon which a choice is indicated is exposed.

—(d) For the instruction of voters on election day, there shall be provided for each voting place a mechanical model of the voting device. Such model shall be located in some place accessible to the voters. Each voter so desiring, before entering the voting booth, shall be instructed regarding the use of such model and shall be given an opportunity to use the model. The voter's attention may also be called to the ballot labels so that the voter may become familiar with the location of the questions submitted and the names of the offices and candidates.

—(e) *Each voter shall be instructed how to operate the voting device before such voter enters the voting booth.* In case any ~~elector~~ voter after entering the voting booth shall ask for further instruction concerning the manner of voting, two ~~(2) judges election board members~~ of opposite political parties shall give such instructions to such elector, but no judge or other election officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any such elector to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question or proposition. After receiving such instructions, such elector shall vote as in the case of an unassisted voter.

—(f) If a voter spoils or defaces a ballot card or marks it erroneously, such voter shall return the card with stub folded so as not to disclose any choices that such voter has made and receive another. The election judge shall immediately cancel the defective ballot card by writing on the back of the ballot card the word "SPOILED" in ink and without detaching the ballot stub, shall place the ballot in the container for voided ballots in a manner that does not expose the choices of the voter. The voter shall only be allowed to follow this procedure three (3) times at any election.

—(g) Where ballot cards are used, after the voter has marked his or her ballot card, such voter shall place it inside the envelope provided for this purpose and return it to the judge. The judge shall remove the ballot stub and deposit such stub and the envelope with the ballot card inside in the ballot box.

Sec. 11. K.S.A. 25-4411 is hereby amended to read as follows: 25-4411. (a) The vote tabulation equipment may be located at any place within the county approved by the county election officer.

(b) Within five ~~(5)~~ days prior to the date of the election, the county election officer shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all ~~measures~~ questions submitted. Public notice of the time and place of the test shall be given at least ~~forty-eight (48)~~ 48 hours prior thereto by publication once in a newspaper of general circulation in the county or city where such equipment is to be used. The test shall be observed by at least two ~~(2)~~ election inspectors, who shall not be of the same political party, and shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots and punched or marked as marked to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. ~~The test shall be repeated immediately before the start of the official count of the ballots, and at the conclusion of the official count in the same manner as set forth above.~~ After the completion of the count, the programs used and ballots shall be sealed, retained and disposed of in the same manner as paper ballots.

Sec. 12. K.S.A. 25-4412 is hereby amended to read as follows: 25-4412. (a) In voting areas where electronic or electromechanical voting systems are used, as soon as the polls are closed, the election supervising judge shall secure the marking devices against voting equipment to prevent further voting. The judge shall thereafter open the ballot box and count the number of ballots or envelopes containing ballots that have been cast to determine

that the number of ballots ~~does not exceed~~ *equals* the number of voters shown on the poll book. If there is ~~an excess~~ *a discrepancy*, this fact shall be reported in writing to the county election officer with the reasons therefor if known. ~~The total number of voters shall be entered on the tally sheets.~~ The write-in votes shall then be counted by the *election supervising* judge and clerks. ~~If ballot cards are used and separate write-in ballots or envelopes for recording write-in votes are used, all ballots or envelopes on which write-in votes have been recorded shall be serially numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. The election judge shall compare the write-in votes with the votes cast on the ballot card and if the total number of votes for any office exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot card and it shall be returned to the counting location in an envelope marked "defective ballots" and such invalid votes shall not be counted. So far as applicable, provisions relating to defective paper ballots shall apply.~~

(b) The ~~election supervising~~ judge shall place all ballots that have been cast in the container provided for the purpose, which shall be sealed and delivered forthwith by two election judges who shall not be of the same political party, to the counting location together with the *provisional*, unused, void and defective ballots and returns.

(c) All proceedings at the counting location shall be under the direction of the county election officer and under the observation of two election ~~officials~~ *board workers* who shall not be of the same political party and shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot, ballot container or return. ~~If any ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot card shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballots or ballot cards shall be clearly labeled "duplicate," shall bear a serial number which shall be recorded on the damaged or defective ballot or ballot card and shall be counted in lieu of the damaged or defective ballot.~~

~~If any ballot card, of the type where offices and questions are printed directly on the card, is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy may be made of the damaged ballot card, in the presence of witnesses and in the manner set forth above, or the valid votes on such ballot card may be manually counted at the counting center by at least two election officials in the manner which is best suited to the system used. If any paper ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, such ballot shall be manually counted at the counting center. The totals for all such ballots or ballot cards manually counted shall be added to the totals for the respective precincts or election districts.~~

(d) Advance voting ballots may be counted by the automatic tabulating equipment if they have been ~~punched or~~ marked in a manner which will enable them to be properly counted by such equipment.

(e) The return printed by the automatic tabulating equipment, to which has been added the return of write-in and advance voting votes and manually counted votes, shall constitute the official return of each precinct or election district. Upon completion of the count the returns shall be open to the public. A copy of the returns shall be posted at the central counting place or at the office of the election officer in lieu of the posting of returns at the individual precincts.

(f) If for any reason it becomes impracticable to count all or a part of the ballots with tabulation equipment, the county election officer may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots.

Sec. 13. K.S.A. 25-4413 is hereby amended to read as follows: 25-4413. In the case of a recount, the ballots ~~or ballot cards~~ shall be recounted in the manner provided by K.S.A. 25-4412 *and amendments thereto*.

Sec. 14. K.S.A. 25-4414 is hereby amended to read as follows: 25-4414. Electronic or electromechanical voting system fraud is: (a) Being in unlawful or unauthorized possession of ~~ballot cards, ballot labels or voting equipment~~, computer programs, *operating systems, firmware, software or ballots*; or

(b) intentionally tampering with, altering, disarranging, defacing, impairing or destroying any electronic or electromechanical system or component part thereof, ~~any ballot, ballot card or ballot label or any ballot~~ used by such systems.

Electronic or electromechanical voting system fraud is a severity level 10, nonperson felony.

New Sec. 15. The secretary of state may adopt rules and regulations:

(a) For the use of electronic and electromechanical voting systems to count votes under the election laws of this state; and

(b) necessary for the administration of this act.

New Sec. 16. K.S.A. 25-4401 through 25-4414, inclusive, and amendments thereto, and sections 15 and 16, and amendments thereto, shall be known and may be cited as the electronic and electromechanical voting systems act.

Sec. 17. K.S.A. 25-4601 is hereby amended to read as follows: 25-4601. As used in this act unless the context otherwise requires:

(a) "Ballot" means a paper ballot ~~of at least three inches in width and seven inches in depth~~ on which candidates' names or questions are printed and ~~are~~ *which is* designed to receive opaque marks which can be detected by optical scanning equipment and which ~~are~~ *is* capable of being counted manually.

(b) "Counting location" means the location or locations in the county selected by the county election officer for the automatic processing or counting, or both, of ballots.

~~(c)~~ "Optical scanning equipment" means apparatus designed to examine and detect opaque marks on ballots which represent votes and count and tabulate those votes by electronic methods.

~~(c)~~ "System" means an optical scanning system of automatically counting and tabulating ballots with optical scanning equipment.

(d) "Precinct count voting system" means an optical scanning voting system that tabulates ballots at the polling place.

(e) "Central count voting system" means an optical scanning voting system that tabulates ballots from multiple precincts at a central location. Voted ballots are placed into secure storage at the polling place and transported to a central counting location.

Sec. 18. K.S.A. 25-4602 is hereby amended to read as follows: 25-4602. (a) The board of county commissioners and the county election officer of any county may provide for use of a system using optical scanning equipment to be used in the county at national, state, county, township, city and school primary and general elections and in question submitted elections.

(b) ~~When the board of county commissioners of any county is presented with a petition requesting a vote on the proposition of using a system using optical scanning equipment in such county, signed by electors equal in number to not less than 10% of the votes cast for secretary of state in the county at the last preceding general election at which the secretary of state was elected, such board of county commissioners shall submit the proposition to the voters of such county at the next succeeding state primary or general election. If a majority of the votes cast on the proposition are in favor of the proposition, the board of county commissioners and the county election officer shall provide such a system to be used at national, state, county, township, city and school primary and general elections and in question submitted elections.~~

~~(c)~~ The board of county commissioners of any county in which the board and county election officer have determined that a system using optical scanning equipment shall be used ~~or in which a proposition to use a system that uses optical scanning equipment has been adopted~~ may issue bonds, without an election, to finance and pay for purchase, lease or rental of such a system and optical scanning equipment.

~~(c)~~ The board of county commissioners and the county election officer of any county may adopt, experiment with or abandon any system using optical scanning equipment authorized under this act and approved by the secretary of state for use in the state and may use such a system in all or any part of the voting areas within the county or in combination with an *electronic or electromechanical voting system or with* regular paper ballots. Whenever the secretary of state rescinds approval of any such system or optical scanning equipment, the board of county commissioners and the county election officer shall abandon such

system until changes therein required by the secretary of state have been made, or if the secretary of state advises that acceptable changes cannot be made therein, such abandonment shall be permanent.

Sec. 19. K.S.A. 25-4603 is hereby amended to read as follows: 25-4603. The secretary of state shall examine and approve the kinds or makes of systems using optical scanning equipment, *including operating systems, firmware and software*, and no kind or make of such system shall be used at any election unless and until it receives ~~approval~~ *certification* by the secretary of state and a statement thereof is filed in the office of the secretary of state.

Sec. 20. K.S.A. 25-4604 is hereby amended to read as follows: 25-4604. (a) Any person, firm or corporation desiring to sell any kind or make of system using optical scanning equipment to counties in this state may make a request in writing of the secretary of state to examine the kind or make of the system using optical scanning equipment which it desires to sell and shall accompany the request with a certified check in the amount of \$250 payable to the secretary of state, and shall furnish at its own expense such optical scanning equipment and other items necessary for operation of such system to the secretary of state ~~at the capitol in the city of Topeka, Kansas,~~ for use ~~by the secretary~~ in examining such equipment and system. The secretary of state may require such person, firm or corporation to furnish a competent person to explain the system and demonstrate by the operation of such system that ~~it will do all the things required by this act and applicable Kansas Statutes Annotated, and amendments thereto, and can be safely used~~ *such system complies with state and federal laws*. The secretary of state may employ a competent person or persons to assist in the examination and to advise the secretary as to the sufficiency of such system and equipment and to pay such persons reasonable compensation therefor. The costs of employment and other costs associated with the approval of such system shall be paid ~~in advance~~ by the applicant.

(b) The secretary of state may require a review of any theretofore approved system using optical scanning equipment and the operation thereof. Such review shall be commenced by the secretary of state giving written notice to the person, firm or corporation which sought approval of the system and to each county election officer and county commissioner of counties known to have purchased, leased or rented any such system or equipment. Such notice shall fix a time and place of hearing at which those persons wishing to be heard may appear and give oral or written testimony and explanation of the system, its optical scanning equipment and operation and experience had therewith. After such hearing date and after such review as the secretary of state deems appropriate, the secretary of state may renew approval of the system and such equipment, require changes therein for continued approval thereof or rescind approval previously given on either a conditioned or permanent basis.

(c) The secretary of state may appoint persons to assist county election officers or county commissioners in the testing of any system using optical scanning equipment and the programs of the system.

Sec. 21. K.S.A. 25-4607 is hereby amended to read as follows: 25-4607. The ballot information shall be in the order of arrangement provided for in article 6, chapter 25 of Kansas Statutes Annotated for official ballots. Such information may be printed on both sides of one ballot or on more than one ballot. Nothing in this act shall be construed as prohibiting the use of multiple ballots when the information for any election exceeds the capacity of a single ballot. Voting squares *or ovals* may be placed before or after the names of candidates and statements of questions or on a separate paper corresponding to the ballot upon which the names of candidates and statements of questions appear. Voting squares *or ovals* shall be of such size as is compatible with the system used. Ballots shall be printed on paper and with ink compatible with the system used and the information printed in as plain clear type and size as the ballot spaces permit. ~~At the bottom of~~ *On* each ballot shall be printed a box, which shall be placed on the ballot in such a manner so as not to interfere with the scanning of the ballot.

Sec. 22. K.S.A. 25-4609 is hereby amended to read as follows: 25-4609. (a) ~~When a voter is handed a ballot, such~~ *Each* voter shall be instructed *how* to mark the ballot ~~as directed, and to not mark the ballot in any other way before such voter enters the voting~~

booth. The voter shall also be instructed to place such person's ballot or ballots in a ballot sleeve or other container after voting, in order that no ~~ballot upon which a choice is indicated is~~ votes are exposed.

(b) In case any elector after entering the voting booth asks for further instruction concerning the manner of voting, two ~~judges election board members~~ of opposite political parties shall give such instruction to such elector, but no ~~judge election board member~~ or other election officer or person assisting an elector shall in any manner request, suggest or seek to persuade or induce any elector to vote for or against any candidate, question or ticket. ~~After receiving such instruction, such elector shall vote as in the case of an unassisted voter.~~

(c) After the voter has marked the ballot or ballots, the voter shall place it or them in the ballot sleeve provided for this purpose and return it to the judge. The judge shall verify the unique mark on the ballot and deposit the ballot in the ballot box.

Sec. 23. K.S.A. 25-4610 is hereby amended to read as follows: 25-4610. (a) The optical scanning equipment may be located at any place within the county approved by the county election officer.

(b) Within five days prior to the date of the election, the county election officer shall have the optical scanning equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in a newspaper of general circulation in the county where such equipment is to be used. The test shall be ~~observed by at least two election inspectors, who shall not be of the same political party, and shall be~~ open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots marked as to record a predetermined number of valid votes for each candidate and on each question submitted, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the optical scanning equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the optical scanning equipment is approved. ~~The test shall be repeated immediately before the start of the official count of the ballots, and at the conclusion of the official count in the same manner as set forth above. After~~ The test shall be repeated after the completion of the count, ~~the~~ The programs used and ballots and ballot stubs and ballots shall be sealed, retained and disposed of in the same manner as paper ballots.

Sec. 24. K.S.A. 25-4611 is hereby amended to read as follows: 25-4611. (a) As soon as the polls are closed, ~~an election~~ the supervising judge shall open the ballot box and count the number of ballots or envelopes containing ballots that have been cast to determine that the number of ballots ~~does not exceed equals~~ the number of voters shown on the poll book. If there is ~~an excess a discrepancy~~, this fact shall be reported in writing to the county election officer with the reasons therefor if known. ~~The total number of voters shall be entered on the tally sheets.~~

(b) The election judge shall place all ballots that have been cast in the container provided for the purpose, which shall be sealed and delivered by two election ~~judges board members~~ who shall not be of the same political party, to the counting location together with the *provisional*, unused, void and defective ballots and returns.

(c) All proceedings at the counting location shall be under the direction of the county election officer and under the observation of two election ~~judges board workers~~ who shall not be of the same political party and shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot, ballot container or return. If any ballot is damaged or defective so that it cannot properly be counted by the optical scanning equipment, it shall be counted manually.

(d) Advance voting ballots may be counted by the optical scanning equipment if they have been marked in a manner which will enable them to be properly counted by such equipment.

(e) The return printed by the optical scanning equipment, to which has been added the return of write-in and advance voting votes and manually counted votes, shall constitute the official return of each precinct or voting area. Upon completion of the count the returns

shall be open to the public. A copy of the returns shall be posted at the office of the county election officer.

(f) If for any reason it becomes impracticable to count all or a part of the ballots with optical scanning equipment, the county election officer may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots.

Sec. 25. K.S.A. 25-4612 is hereby amended to read as follows: 25-4612. Optical scanning equipment fraud is:

(a) Being in unlawful or unauthorized possession of ballots ~~or programs~~, *optical scanning equipment, computer programs, operating systems, firmware or software*; or

(b) intentionally tampering with, altering, disarranging, defacing, impairing or destroying any optical scanning equipment or component part thereof, or any ballot, *operating system, firmware or software* used by a system.

Optical scanning equipment fraud is a severity level 10, nonperson felony.

Sec. 26. K.S.A. 25-4613 is hereby amended to read as follows: 25-4613. Optical scanning equipment and systems using optical scanning equipment approved by the secretary of state:

(a) Shall be capable of being tested to ascertain that the equipment will correctly count votes cast for all offices and on all questions submitted; and

(b) shall be capable of printing in legible form, reports and summaries of the election results as required by articles 30 and 31 of chapter 25 of Kansas Statutes Annotated; and

(c) shall be capable of tabulating votes for candidates for nomination or election of ~~at least seven different~~ *all* political parties *officially recognized pursuant to K.S.A. 25-302a, and amendments thereto*; and

(d) shall be capable of tabulating votes for any independent candidate of any office; and

(e) shall be capable of tabulating votes for constitutional amendments or other questions submitted; and

(f) shall be capable of tabulating the number of "write-in" votes cast for any office; ~~and~~

(g) shall not count any votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast;

(h) *shall provide notification when the voter has cast more votes for such office or upon such question than the voter is entitled to cast; and*

(i) *shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment.*

New Sec. 27. The secretary of state may adopt rules and regulations:

(a) For the use of optical scanning systems to count votes under the election laws of this state; and

(b) necessary for the administration of this act.

New Sec. 28. K.S.A. 25-4601 through 25-4613, inclusive, and amendments thereto, and sections 27 and 28, and amendments thereto, shall be known and may be cited as the optical scanning voting systems act.

Sec. 29. K.S.A. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b) (1) Corrupt political advertising of a state or local office is:

(A) Publishing or causing to be published in a newspaper or other periodical any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(B) broadcasting or causing to be broadcast by any radio or television station any paid matter which expressly advocates the nomination, election or defeat of a clearly identified

candidate for a state or local office, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor; ~~or~~

(C) *telephoning or causing to be contacted by any telephonic means including, but not limited to any device using a voice over internet protocol or wireless telephone, any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter contains a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor; or*

(D) publishing or causing to be published any brochure, flier or other political fact sheet which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subsection ~~(C)~~ (D) requiring the disclosure of the name of an individual shall not apply to individuals making expenditures in an aggregate amount of less than \$2,500 within a calendar year.

(2) Corrupt political advertising of a state or local office is a class C misdemeanor.

(c) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this section which can be given effect without the invalid application or provision, and to this end the provisions of this section are declared to be severable.

(d) (1) *Whenever any vendor or other person provides any of the services defined in subsection (b), such vendor or other person shall keep and maintain records showing the name and address of the person who purchased or requested such services and the amount paid for such services. The records required by this subsection shall be kept for a period of one year after the date upon which payment was received for such services.*

(2) *Failure to keep and maintain the records required by this subsection is a class C misdemeanor.*

New Sec. 30. (a) Every treasurer for a candidate for state or local office shall file reports of campaign contributions as prescribed by this act. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed in the office of the secretary of state. Reports filed by treasurers for candidates for state-wide office shall be filed only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Reports required by this section shall be in addition to any other reports required by law.

(b) The report shall contain the name and address of each person who has made one or more contributions in an aggregate amount or value of \$350 or more during the period commencing 11 days before a primary or general election at which a state or local officer is to be elected and ending upon the day before such election. The report shall be made on or before the close of the second business day following the day in which any contribution is received. The report need contain only the amount and date of the contribution, including the name and address of every lender, guarantor and endorser when the contribution is in the form of an advance or loan.

(c) Reports required by this section shall be filed by hand delivery, express delivery service, facsimile transmission or any electronic method authorized by the secretary of state.

(d) Reports filed with the secretary of state pursuant to this section shall be provided to the public on the governmental ethics commission's website and in any other manner the secretary of state deems appropriate.

(e) (1) "Local office" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(2) "State office" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(f) This section shall be part of and supplemental to the campaign finance act.

Sec. 31. K.S.A. 25-4148 is hereby amended to read as follows: 25-4148. (a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. Reports filed by treasurers for candidates for state-wide office shall be filed only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

(1) The eighth day preceding the primary election, which report shall be for the period beginning on January 1 of the election year for the office the candidate is seeking and ending 12 days before the primary election, inclusive;

(2) the eighth day preceding a general election, which report shall be for the period beginning 11 days before the primary election and ending 12 days before the general election, inclusive;

(3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on December 31, inclusive;

(4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the preceding calendar year;

(5) a treasurer shall file only the annual report required by subsection (4) for those years when the candidate is not participating in a primary or general election.

(b) Each report required by this section shall state:

(1) Cash on hand on the first day of the reporting period;

(2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

(3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;

(4) the aggregate amount of contributions for which the name and address of the contributor is not known;

(5) each contribution, rebate, refund or other receipt not otherwise listed;

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of ~~\$50~~ \$100, with the amount, date, and purpose of each; the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;

(8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate, candidate committee, party committee or political committee, if the contribution is in excess of \$50 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution;

(9) the aggregate of all expenditures not otherwise reported under this section; and

(10) the total of expenditures.

(c) Treasurers of candidates and of candidate committees shall be required to itemize, as provided in subsection (b)(2), only the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154, and amendments thereto.

(d) If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(e) The commission may require any treasurer to file an amended report for any period for which the original report filed by such treasurer contains material errors or omissions, and notice of the errors or omissions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.

(f) The commission may require any treasurer to file a report for any period for which the required report is not on file, and notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.

(g) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate's committee or by the treasurer of any party committee or political committee, the date of the convention or caucus shall be considered the date of the primary election.

(h) If a report is sent by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.

(i) *Any report required by this section may be signed by the candidate in lieu of the candidate's treasurer or the treasurer of the candidate's committee.*

Sec. 32. K.S.A. 25-4142 is hereby amended to read as follows: 25-4142. K.S.A. 25-4119e, 25-4119f, 25-4119g, 25-4142 through 25-4187 ~~and K.S.A. , 25-4153a and 25-4153b and sections 30, 36, 37 and 38,~~ and amendments thereto, shall be known and may be cited as the campaign finance act.

Sec. 33. K.S.A. 2005 Supp. 25-4143 is hereby amended to read as follows: 25-4143. As used in the campaign finance act, unless the context otherwise requires:

(a) "Candidate" means an individual who: (1) Appoints a treasurer or a candidate committee;

(2) makes a public announcement of intention to seek nomination or election to state or local office;

(3) makes any expenditure or accepts any contribution for such person's nomination or election to any state or local office; or

(4) files a declaration or petition to become a candidate for state or local office.

(b) "Candidate committee" means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.

(c) "Clearly identified candidate" means a candidate who has been identified by the:

(1) Use of the name of the candidate;

(2) use of a photograph or drawing of the candidate; or

(3) unambiguous reference to the candidate whether or not the name, photograph or drawing of such candidate is used.

(d) "Commission" means the governmental ethics commission.

(e) (1) "Contribution" means:

(A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.

(B) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

(D) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;

(E) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events;

(F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.

(2) "Contribution" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of \$50 per event; or

(E) *the transfer of campaign funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a and amendments thereto.*

(f) "Election" means:

(1) A primary or general election for state or local office; and

(2) a convention or caucus of a political party held to nominate a candidate for state or local office.

(g) (1) "Expenditure" means:

(A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made by a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.

(B) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) any contract to make an expenditure;

(D) a transfer of funds between any two or more candidate committees, party committees or political committees; or

(E) payment of a candidate's filing fees.

(2) "Expenditure" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of \$50 per event; or

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to expressly advocate the nomination, election or defeat of a clearly identified candidate.

(h) "Expressly advocate the nomination, election or defeat of a clearly identified candidate" means any communication which uses phrases including, but not limited to:

(1) "Vote for the secretary of state";

(2) "re-elect your senator";

(3) "support the democratic nominee";

(4) "cast your ballot for the republican challenger for governor";

(5) "Smith for senate";

(6) "Bob Jones in '98";

(7) "vote against Old Hickory";

(8) "defeat" accompanied by a picture of one or more candidates; or

(9) "Smith's the one."

(i) "Party committee" means:

(1) The state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(2) the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(3) the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated;

(4) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate;

(5) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives; or

(6) not more than one political committee per congressional district established by the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and designated as a congressional district party committee.

(j) "Person" means any individual, committee, corporation, partnership, trust, organization or association.

(k) (1) "Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office.

(2) "Political committee" shall not include a candidate committee or a party committee.

(l) "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer's official capacity.

(m) "Public office" means a state or local office.

(n) "Local office" means:

(1) A member of the governing body of a city of the first class;

(2) an elected office of:

(A) A unified school district having 35,000 or more pupils regularly enrolled in the preceding school year;

(B) a county; or

(C) the board of public utilities.

~~(m)~~ (o) "State office" means any state office as defined in K.S.A. 25-2505, and amendments thereto.

~~(m)~~ (p) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise contributions for such candidate's campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.

~~(n)~~ (q) "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. 25-4172, and amendments thereto.

~~(p)~~ "Local office" means a member of the governing body of a city of the first class, any elected office of a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities.

Sec. 34. K.S.A. 25-4157 is hereby amended to read as follows: 25-4157. ~~Before~~ *Except as provided in subsection (b), before* any candidate committee, party committee or political committee may be dissolved or the position of a candidate's treasurer terminated, the treasurer of the candidate or such committee shall file a termination *or inactive status* report which shall include full information as to the disposition of residual funds. Any report required by K.S.A. 25-4148 and amendments thereto may be a termination report. Reports of the dissolution of candidate committees of candidates for state office, the termination of the treasurer of a candidate for state office, the dissolution of a political committee the major purpose of which is to support or oppose any candidate for state office and the dissolution of party committees shall be filed in the office of the secretary of state. Reports of the dissolution of candidate committees of candidates for local office, the termination of

the treasurer of a candidate for local office and the dissolution of a political committee the major purpose of which is to support or oppose any candidate for local office shall be filed in the office of the county election officer of the county.

(b) Any candidate committee which makes a transfer of residual funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a, and amendments thereto, may file an inactive status report in lieu of a termination report. The inactive status report shall contain full information as to the disposal of residual funds. The inactive status report shall be filed in the same manner as a termination report. Any candidate committee which makes a transfer of residual funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a, and amendments thereto, and which files an inactive status report shall be placed on inactive status pursuant to this subsection and shall file all other reports required by this act. No candidate committee which makes a transfer of residual funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a, and amendments thereto, which has been placed on inactive status shall accept any funds or other contributions while on inactive status. No candidate committee which makes a transfer of residual funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a, and amendments thereto, which has been placed on inactive status shall be returned to active status until the bona fide successor committee or candidacy has been terminated as required by this act.

Sec. 35. K.S.A. 25-4157a is hereby amended to read as follows: 25-4157a. (a) No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for:

- (1) Legitimate campaign purposes;
- (2) expenses of holding political office;
- (3) contributions to the party committees of the political party of which such candidate is a member;
- (4) any membership dues or donations paid to a community service, *charitable* or civic organization in the name of the candidate or candidate committee of any candidate;
- (5) expenses incurred in the purchase of tickets to meals and special events sponsored by any organization the major purpose of which is to promote or facilitate the social, business, commercial or economic well being of the local community; or
- (6) expenses incurred in the purchase and mailing of greeting cards to voters and constituents.

For the purpose of this subsection, expenditures for "personal use" shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.

(b) No moneys received by any candidate or candidate committee of any candidate as a contribution shall be used to pay interest or any other finance charges upon moneys loaned to the campaign by such candidate or the spouse of such candidate.

(c) No candidate or candidate committee shall accept from any other candidate or candidate committee for any candidate for local, state or national office, any moneys received by such candidate or candidate committee as a campaign contribution. The provisions of this subsection shall not be construed to prohibit:

(1) A candidate or candidate committee from accepting moneys from another candidate or candidate committee if such moneys constitute a reimbursement for one candidate's proportional share of the cost of any campaign activity participated in by both candidates involved. Such reimbursement shall not exceed an amount equal to the proportional share of the cost directly benefiting and attributable to the personal campaign of the candidate making such reimbursement; or

(2) A candidate or candidate committee from transferring campaign funds to a bona fide successor committee or candidacy established by the candidate.

(d) ~~At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds otherwise not obligated for the payment of expenses incurred in such campaign or the holding~~

~~of office shall be contributed to a charitable organization, as defined by the laws of the state; contributed to a party committee or returned as a refund in whole or in part to any contributor or contributors from whom received or paid into the general fund of the state. At the time of the termination or placement on inactive status of any campaign and prior to the filing of a termination or inactive status report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds shall be used first to retire any debt in such account. Any residual funds remaining after the retirement of all debt in such account not otherwise obligated for the payment of expenses incurred in such campaign or the holding of office, or any portion of such funds, shall be:~~

- ~~(1) Contributed to a charitable organization, as defined by the laws of the state; or~~
- ~~(2) contributed to a party committee; or~~
- ~~(3) returned as a refund in whole or in part to any contributor or contributors from whom such funds were received; or~~
- ~~(4) paid into the general fund of the state; or~~
- ~~(5) transferred to a bona fide successor committee or candidacy established by the candidate.~~

~~Whenever a transfer to a bona fide successor committee or candidacy is made pursuant to paragraph (5), all moneys shall be transferred to the bona fide successor committee or candidacy. Once a transfer has been made to a bona fide successor committee or candidacy, the candidate shall be prohibited from making any further transfer back to any campaign committee or candidacy for the office from which the original transfer was made.~~

~~(e) For the purposes of this section, "bona fide successor committee or candidacy" means the candidate's campaign committee or candidacy for a public office initiated at the termination or placement on inactive status of the original candidacy.~~

New Sec. 36. (a) Upon transferring money to a bona fide successor committee or candidacy as defined by subsection (e) of K.S.A. 25-4157a, and amendments thereto, the candidate may not accept any contributions to the original candidacy. Contributions to the bona fide successor committee or candidacy shall be subject to the contribution limits set forth in K.S.A. 25-4153, and amendments thereto, for the successor public office sought. If any contribution to the bona fide successor committee or candidacy is received from a person who made a contribution to the original candidacy, the amount of such contribution to the bona fide successor committee or candidacy shall not exceed the difference between the contribution limit imposed by K.S.A. 25-4153, and amendments thereto, for the public office sought by the bona fide successor committee or candidacy and the aggregate amount of all contributions made by such person to the original candidacy.

(b) This section shall be part of and supplemental to the campaign finance act.

New Sec. 37. (a) For the period commencing on January 1, 1976, and ending December 12, 2003, any candidate who transferred campaign funds to a bona fide successor candidacy, as such term is defined in K.S.A. 25-4157a, and amendments thereto, shall be deemed to have made such transfer in compliance with the provisions of the campaign finance act in existence at the time of such transfer regardless of when the original campaign fund is closed after the date such transfer was made and such transfer is hereby validated.

(b) This section shall be part of and supplemental to the campaign finance act.

New Sec. 38. The governmental ethics commission shall develop and implement forms for each report required to be made under the campaign finance act to be filled out on-line and transmitted via e-mail or over the internet. The provisions of this section shall be part of and supplemental to the Kansas campaign finance act.

New Sec. 39. (a) (1) Each complaint alleging a violation of any election crime set forth in article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, received by a county election officer shall be reported to the secretary of state on a form provided by the secretary of state. Each report shall be made in writing within 30 days after receiving the complaint.

(2) In lieu of filing a complaint alleging a violation of any election crime set forth in article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, in the manner specified in paragraph (1), such complaint may be filed with the secretary of state.

(b) The secretary of state shall develop the reporting form required by subsection (a) and distribute copies thereof to each county election official on or before October 1, 2006.

(c) Upon conviction of any person for violating any provision of article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, the clerk of the district court shall notify the secretary of state of such conviction.

(d) For the purposes of this section, “county election officer” shall have the meaning ascribed to it in K.S.A. 25-2504 and amendments thereto.

(e) For the purposes of this section, “complaint” means a written statement under oath of the essential facts constituting a crime.

Sec. 40. K.S.A. 2005 Supp. 46-247 is hereby amended to read as follows: 46-247. The following individuals shall file written statements of substantial interests, as provided in K.S.A. 46-248 to 46-252, inclusive, and amendments thereto:

(a) Legislators and candidates for nomination or election to the legislature.

(b) Individuals holding an elected office in the executive branch of this state, and candidates for nomination or election to any such office.

(c) State officers, employees and members of boards, councils and commissions under the jurisdiction of the head of any state agency who are listed as designees by the head of a state agency pursuant to K.S.A. 46-285, and amendments thereto.

(d) Individuals whose appointment to office is subject to confirmation by the senate whether or not such individual is a state officer or employee.

(e) General counsels for state agencies irrespective of how compensated.

(f) The administrator or executive director of the education commission of the states, the interstate compact on agricultural grain marketing, the Mo-Kan metropolitan development district and agency compact, the Kansas City area transportation district and authority compact, the midwest nuclear compact, the central interstate low-level radioactive waste compact, the multistate tax compact, the Kansas-Oklahoma Arkansas river basin compact, the Kansas-Nebraska Big Blue river compact, and the multistate lottery.

(g) Private consultants under contract with any agency of the state of Kansas to evaluate bids for public contracts or to award public contracts.

(h) From and after January 1, 2003, any faculty member or other employee of a post-secondary educational institution as defined by K.S.A. 74-3201b, and amendments thereto, who provides consulting services and who, on behalf of or for the benefit of the person for which consulting services are provided:

(1) Promotes or opposes action or nonaction by any federal agency, any state agency as defined by K.S.A. 46-224, and amendments thereto, or any political subdivision of the state or any agency of such political subdivision or a representative of such state agency, political subdivision or agency; or

(2) promotes or opposes action or nonaction relating to the expenditure of public funds of the federal government, the state or political subdivision of the state or agency of the federal government, state or political subdivision of the state.

(i) From and after January 1, 2006, any faculty member who receives an annual salary of \$50,000 or more, other than an adjunct faculty member, who is employed by a state education institution as defined by K.S.A. 76-711, and amendments thereto.

(j) (1) *Each:*

(A) *Judge of the court of appeals;*

(B) *justice of the supreme court;*

(C) *member of the commission on judicial qualifications;*

(D) *member of any supreme court nominating commission;*

(E) *law clerk of a judge of the court of appeals or justice of the supreme court; and*

(F) *nonjudicial employee of an appellate court who is listed as a designee pursuant to K.S.A. 46-285 and amendments thereto.*

(2) *For the purposes of this subsection, the term “appellate court” shall have the meaning ascribed to it in K.S.A. 22-2202 and amendments thereto.*

(k) *For the purposes of this act, for the persons listed in subsection (j), the term “statement of substantial interests” shall mean the judicial financial disclosure report required by the supreme court.*

Sec. 41. K.S.A. 46-282 is hereby amended to read as follows: 46-282. “Designee” means:

(a) Any state officer, employee or member of any agency, department, division, bureau or other unit of state government who holds a position:

- (1) Defined as a major policy making position;
- (2) responsible for contracting, purchasing or procurement, except persons whose sole responsibility is the purchasing of gasoline or emergency repair for a state vehicle assigned to them for their use or persons whose sole responsibility relating to purchasing or procurement includes only transactions pursuant to preexisting state contracts;
- (3) responsible for writing or drafting specifications for contracts;
- (4) responsible for awarding grants, benefits or subsidies; or
- (5) responsible for inspecting, licensing or regulating any person or entity.

(b) (1) *Any judge of the court of appeals, justice of the supreme court or nonjudicial officer or employee of an appellate court who holds a position:*

- (A) *Defined as a major policy making position;*
- (B) *responsible for contracting, purchasing or procurement, except persons whose sole responsibility is the purchasing of gasoline or emergency repair for a state vehicle assigned to them for use or persons whose sole responsibility relating to purchasing or procurement includes only transactions pursuant to preexisting state contracts;*
- (C) *responsible for writing or drafting specifications for contracts;*
- (D) *responsible for awarding grants, benefits or subsidies; or*
- (E) *responsible for inspecting, licensing or regulating any person or entity.*

(2) *For the purposes of this section, the term "appellate court" shall have the meaning ascribed to it in K.S.A. 22-2202 and amendments thereto.*

(c) "Designee" does not include any driver's license examiner of the department of revenue or any person performing ministerial functions.

Sec. 42. K.S.A. 46-283 is hereby amended to read as follows: 46-283. (a) "Major policy making² position" means ~~(a)~~:

- (1) The administrative head or heads or executive of a state agency ~~or (b)~~; or
- (2) the head of each department, division, bureau or other major administrative unit within a state agency.
- (b) *Except as provided in subsection (c), major policy making position also includes:*
 - (1) *Any justice of the supreme court;*
 - (2) *any judge of the court of appeals; or*
 - (3) *the head of each department, division, bureau or other major administrative unit within the supreme court.*

(c) *Major policy making position includes any judge or nonjudicial personnel of an appellate court as such term is defined in K.S.A. 22-2202 and amendments thereto.*

Sec. 43. K.S.A. 46-285 is hereby amended to read as follows: 46-285. (a) The head of every state agency shall submit a list of designees under the agency head's jurisdiction, identifying the positions, names and home mailing addresses of all designees of that agency to the commission annually between March 15 and March 31, inclusive. The agency head may prepare and submit a separate list for each department, division, bureau or other unit within the agency head's jurisdiction. The agency head shall attach to each list an organizational chart for the agency, department or division to which that list corresponds and shall certify the list to be correct. The agency head shall notify the commission of the name, home address and position of any new designee under the agency head's jurisdiction within 10 days of appointment. The commission may request the head of a state agency to make additions to or deletions from the list.

(b) *The chief justice of the supreme court shall submit a list of designees under the jurisdiction of the supreme court, identifying the positions, names and home mailing addresses of all designees of that agency to the commission annually between March 15 and March 31, inclusive. The chief justice may prepare and submit a separate list for each department, division, bureau or other unit within the jurisdiction of the supreme court. The chief justice shall attach to each list an organizational chart for the agency, department or division to which that list corresponds and shall certify the list to be correct. The chief justice shall notify the commission of the name, home address and position of any new designee under the jurisdiction of the supreme court within 10 days of appointment. The commission may request the chief justice to make additions to or deletions from the list.*

(c) The commission shall transmit promptly copies of all lists received under this section to the secretary of state.

Sec. 44. K.S.A. 2005 Supp. 25-4308 is hereby amended to read as follows: 25-4308. (a) The secretary of state shall review the application and shall either certify such application or notify the recall committee of the grounds of refusal. The secretary of state shall deny certification if the secretary of state determines that:

- (1) The facts do not support the grounds for recall as stated in the application;
 - (2) the application is not substantially in the required form;
 - (3) the application was filed during the first 120 days of the term of office of the official sought to be recalled or within less than 200 days of the termination of the term of office of the state officer sought to be recalled;
 - (4) the person named in the application is not a state officer;
 - (5) there is an insufficient number of required signatures of any kind;
 - (6) the state officer sought to be recalled has been or is being subjected to another recall election during such officer's current term of office; or
 - (7) the application does not conform to any other requirement of this act.
- (b) All mandamus proceedings to compel a recall election and all injunction proceedings to restrain a recall election shall be commenced ~~not less than~~ *within* 30 days after the secretary of state's decision.

Sec. 45. K.S.A. 2005 Supp. 25-4322 is hereby amended to read as follows: 25-4322. (a) Before any petition for recall of a local officer is circulated, a copy thereof accompanied by names and addresses of the recall committee and sponsors shall be filed in the office of the county election officer with whom the petitions are required to be filed. The copy of the petition so filed shall be subscribed by the members of the recall committee in the presence of such county election officer. The recall committee shall represent all sponsors and subscribers in matters relating to the recall. Notice on all matters pertaining to the recall may be served on any member of the recall committee in person or by mail addressed to a committee member as indicated on the petition so filed. The county election officer, upon request, shall notify the recall committee of the official number of votes cast for all candidates for the office of the local officer sought to be recalled, such percentage to be based upon the last general election for the current term of office of the officer sought to be recalled.

(b) Before any petition for recall of a local officer is circulated, the county election officer shall transmit a copy of such petition to the county or district attorney or to the attorney designated pursuant to subsection (c) for determination of the sufficiency of the grounds stated in the petition for recall. Within five days of receipt of the copy of the petition from the county election officer, the county or district attorney or the attorney designated pursuant to subsection (c) shall make such determination and notify the county election officer, *the officer sought to be recalled* and the recall committee of such determination. Such determination shall include whether:

- (1) The facts do not support the grounds for recall as stated in the petition for recall;
- (2) the petition is not substantially in the required form;
- (3) the petition was filed during the first 120 days of the term of office of the official sought to be recalled or within less than 180 days of the termination of the term of office of the officer sought to be recalled;
- (4) the person named in the petition is not a local officer;
- (5) there is an insufficient number of required signatures of any kind;
- (6) the local officer sought to be recalled has been or is being subjected to another recall election during such officer's current term of office; or
- (7) the application does not conform to any other requirement of this act.

(c) In the case of a recall of the county or district attorney, a judge of the district court of such county shall designate an attorney to determine the sufficiency of the grounds stated in the petition for recall. Such attorney shall perform the duties imposed on the county or district attorney in the recall of other local officers.

(d) All mandamus proceedings to compel a recall election and all injunction proceedings to restrain a recall election shall be commenced ~~not less than~~ *within* 30 days after the county or district attorney's decision.

Sec. 46. K.S.A. 25-4153 is hereby amended to read as follows: 25-4153. (a) The aggregate amount contributed to a candidate and such candidate's candidate committee and to all party committees and political committees and dedicated to such candidate's campaign, by any political committee or any person except a party committee, the candidate or the candidate's spouse, shall not exceed the following:

(1) For the pair of offices of governor and lieutenant governor or for other state officers elected from the state as a whole, \$2,000 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election;

(2) For the office of member of the house of representatives, district judge, district magistrate judge, district attorney, member of the state board of education or a candidate for local office, ~~\$500~~ \$750 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.

(3) For the office of state senator, ~~\$1,000~~ \$1,500 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.

(b) For the purposes of this section, the face value of a loan at the end of the period of time allocable to the primary or general election is the amount subject to the limitations of this section. A loan in excess of the limits herein provided may be made during the allocable period if such loan is reduced to the permissible level, when combined with all other contributions from the person making such loan, at the end of such allocable period.

(c) For the purposes of this section, all contributions made by unemancipated children under 18 years of age shall be considered to be contributions made by the parent or parents of such children. The total amount of such contribution shall be attributed to a single custodial parent and 50% of such contribution to each of two parents.

(d) The aggregate amount contributed to a state party committee by a person other than a national party committee or a political committee shall not exceed \$15,000 in each calendar year; and the aggregate amount contributed to any other party committee by a person other than a national party committee or a political committee shall not exceed \$5,000 in each calendar year.

The aggregate amount contributed by a national party committee to a state party committee shall not exceed \$25,000 in any calendar year, and the aggregate amount contributed to any other party committee by a national party committee shall not exceed \$10,000 in any calendar year.

The aggregate amount contributed to a party committee by a political committee shall not exceed \$5,000 in any calendar year.

(e) Any political funds which have been collected and were not subject to the reporting requirements of this act shall be deemed a person subject to these contribution limitations.

(f) Any political funds which have been collected and were subject to the reporting requirements of the campaign finance act shall not be used in or for the campaign of a candidate for a federal elective office.

(g) The amount contributed by each individual party committee of the same political party other than a national party committee to any candidate for office, for any primary election at which two or more candidates are seeking the nomination of such party shall not exceed the following:

(1) For the pair of offices of governor and lieutenant governor and for each of the other state officers elected from the state as a whole, \$2,000 for each primary election (or in lieu thereof a caucus or convention of a political party);

(2) For the office of member of the house of representatives, district judge, district magistrate judge, district attorney, member of the state board of education or a candidate for local office, ~~\$500~~ \$750 for each primary election (or in lieu thereof a caucus or convention of a political party).

(3) For the office of state senator, ~~\$1,000~~ \$1,500 for each primary election (or in lieu thereof a caucus or convention of a political party).

(h) When a candidate for a specific cycle does not run for office, the contribution limitations of this section shall apply as though the individual had sought office.

(i) No person shall make any contribution or contributions to any candidate or the candidate committee of any candidate in the form of money or currency of the United States

which in the aggregate exceeds \$100 for any one primary or general election, and no candidate or candidate committee of any candidate shall accept any contribution or contributions in the form of money or currency of the United States which in the aggregate exceeds \$100 from any one person for any one primary or general election.

Sec. 47. K.S.A. 25-4119d is hereby amended to read as follows: 25-4119d. (a) ~~From and after the effective date of this act, no person shall be appointed to membership on the commission who has held the office of chairperson, vice chairperson or treasurer of any county, district or state political party committee, or who within five years preceding the date of such appointment has been a candidate for or the holder of any partisan political office or who has within three years preceding the date of such appointment: (1) Held an elective state office, (2) held the office of secretary of any department of state government, (3) been a lobbyist as defined by K.S.A. 46-222 and amendments thereto, (4) been an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the state of Kansas or any agency thereof, or (5) provided services under contract to the state of Kansas or any agency thereof. No person shall be appointed to membership on the commission who has within:~~

- (1) *Five years preceding the date of such appointment:*
 - (A) *Been a candidate for or the holder of any partisan political office; or*
 - (B) *held the office of chairperson, vice-chairperson or treasurer of any county, district or state political party committee; or*
- (2) *three years preceding the date of such appointment:*
 - (A) *Held an elective state office;*
 - (B) *held the office of secretary of any department of state government;*
 - (C) *been a lobbyist as defined by K.S.A. 46-222 and amendments thereto;*
 - (D) *been an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the state of Kansas or any agency thereof;*

or

- (E) *provided services under contract to the state of Kansas or any agency thereof.*

(b) While serving on the commission created by K.S.A. 25-4119a, and amendments thereto, no member shall: (1) ~~Be an individual subject to the provisions of the campaign finance law or the provisions of K.S.A. 46-215 et seq. and amendments thereto administered or enforced by the commission, (2) serve as a chairperson or treasurer for any candidate or committee subject to the provisions of the campaign finance act, (3) actively solicit contributions subject to the provisions of the campaign finance act, (4) be a lobbyist as defined by K.S.A. 46-222 and amendments thereto, (5) be an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the state of Kansas or any agency thereof, (6) provide services under contract to the state of Kansas or any agency thereof, (7) be a candidate for or the holder of any partisan political office, (8) be the chairperson, vice chairperson or treasurer of any county, district or state political party committee, (9) directly or indirectly solicit contributions for any partisan political party or any organization thereof or any candidate for partisan political office, or (10) endorse any candidate for any partisan political office subject to the provisions of this act.~~

- (1) *Be an individual subject to the provisions of the campaign finance law or the provisions of K.S.A. 46-215 et seq. and amendments thereto administered or enforced by the commission;*
- (2) *serve as a chairperson or treasurer for any candidate or committee subject to the provisions of the campaign finance act;*
- (3) *actively solicit contributions subject to the provisions of the campaign finance act;*
- (4) *be a lobbyist as defined by K.S.A. 46-222 and amendments thereto;*
- (5) *be an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the state of Kansas or any agency thereof;*
- (6) *provide services under contract to the state of Kansas or any agency thereof;*
- (7) *be a candidate for or the holder of any partisan political office;*
- (8) *be the chairperson, vice-chairperson or treasurer of any county, district or state political party committee;*

(9) *directly or indirectly solicit contributions for any partisan political party or any organization thereof or any candidate for partisan political office; or*
(10) *endorse any candidate for any partisan political office subject to the provisions of this act.*

(c) Whenever any member of the commission is ineligible to serve as a member thereof under the provisions of subsections (a) and (b) of this section, the membership of such person shall terminate and such person shall no longer be eligible to participate in any action or proceeding by the commission. Such vacancy shall be filled in the manner prescribed by K.S.A. 25-4119a, and amendments thereto.

(d) *For the purposes of this section, the term "partisan political office" shall not include the office of precinct committeeman or precinct committeewoman.*

Sec. 48. K.S.A. 2005 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, and such voter is a first-time voter, such voter shall provide a form of valid identification such as a current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and address as indicated on the registration book. Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, and such voter is a first-time voter, such voter shall provide on the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or the last four digits of the voter's social security number, or shall provide with the application a copy of the voter's current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and address as indicated on the registration book. Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.

(d) If a first-time voter is unable or refuses to provide current and valid identification, or if the name and address do not match the voter's name and address on the registration book, the voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto. The voter shall provide a valid form of identification as defined in subsection (c) of this section to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in even-numbered years, between April 1 of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days prior to such election and the last business day of the week preceding such general election.

(3) For the primary election held five weeks preceding the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such primary election.

(4) For the general election occurring on the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such general election.

(5) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

(6) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the last business day of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the county election officer shall determine the final date for mailing of advance voting ballots, but such date shall not be more than three business days before such election.

(7) For any special election of officers, at such time as is specified by the secretary of state.

(8) For the presidential preference primary, between January 1 of the year in which such primary is held and the last business day of the week preceding such primary election.

The county election officer of any county may receive applications prior to the time specified in this subsection (e) and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(f) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than 12:00 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

~~In any county having a population exceeding 250,000,~~ The county election officer may designate places other than the central county election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots, such ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(g) Any person having a permanent disability or an illness which has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information which establishes the voter's right to permanent advance voting status.

(h) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which such persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Such names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of such applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make such inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by such officer stating such person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the iden-

tifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(i) If a person on the permanent advance voting list fails to vote in two consecutive general elections held on the Tuesday succeeding the first Monday in November of each even-numbered year, the county election officer may mail a notice to such voter. Such notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

(j) For the purposes of this section, "first-time voter" means a registered voter who has not previously voted in any election in the county in which the voter desires to vote. First-time voter includes a person whose name was removed from the county registration list in accordance with K.S.A. 25-2316c, and amendments thereto, and who has re-registered.

(k) The secretary of state may adopt rules and regulations defining valid forms of identification.

New Sec. 49. (a) Every treasurer for a party committee or political committee shall file reports of independent expenditures as prescribed by this act. Reports shall be filed with the secretary of state. Reports required by this section shall be in additions to any other reports required by law.

(b) The report shall contain the name and address of each party committee or political committee which has made or contracted to be made independent expenditures in an aggregate amount or value in excess of \$1,000 or more during the period commencing 11 days before a primary or general election at which a state or local officer is to be elected and ending before the day of such election. Such report shall contain the amount, date and purpose of each such independent expenditure, as well as the name of the candidate whose nomination, election or defeat is expressly advocated. When an independent expenditure is made by payment to an advertising agency, public relations firm or political consultant for disbursement to vendors, the report of such independent expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each, as well as the name of the candidate whose nomination, election or defeat is expressly advocated. The report shall be made on or before the close of the next business day in which any independent expenditure is made.

(c) Reports required by this section shall be filed by hand delivery, express delivery service, facsimile transmission or any electronic method authorized by the secretary of state.

(d) (1) "Expenditure" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(2) "Independent expenditure" means an expenditure that is not controlled by or coordinated with any candidate or agent of such candidate.

(3) "Party committee" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(4) "Political committee" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(e) The provisions of this act shall be part of and supplemental to the campaign finance act.

Sec. 50. K.S.A. 25-1307, 25-1309, 25-1311, 25-1312, 25-1313, 25-1314, 25-1315, 25-1317, 25-1318, 25-1319, 25-1320, 25-1321, 25-1322, 25-1324, 25-1325, 25-1326, 25-1327, 25-1328, 25-1329, 25-1330, 25-1331, 25-1332, 25-1333, 25-1334, 25-1335, 25-1336, 25-1337, 25-1338, 25-1339, 25-1341, 25-1343, 25-4119d, 25-4142, 25-4148, 25-4153, 25-4156, 25-4157, 25-4157a, 25-4401, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4409, 25-4410, 25-4411, 25-4412, 25-4413, 25-4414, 25-4601, 25-4602, 25-4603, 25-4604, 25-4607, 25-4609, 25-4610, 25-4611, 25-4612, 25-4613, 46-282, 46-283 and 46-285 and K.S.A. 2005 Supp. 25-1122, 25-1124, 25-1128, 25-4143, 25-4308, 25-4322 and 46-247 are hereby repealed.";

Also on page 4, by striking all in lines 36 and 37;

And by renumbering the remaining section accordingly;

In the title, in line 12, by striking “elections” and inserting “certain activities concerning elections and governmental ethics”; also in line 12, preceding “amend-” by inserting “relating to electronic and electromechanical voting systems; relating to the use of optical scanning systems to count votes; relating to campaign finance; reporting of election crimes; filing of substantial interest forms by certain members of the judicial branch; relating to advance voting; relating to recall petitions”; in line 13, by striking all following “ing”; in line 14, by striking all preceding the period and inserting “K.S.A. 25-4119d, 25-4142, 25-4148, 25-4153, 25-4156, 25-4157, 25-4157a, 25-4401, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4409, 25-4410, 25-4411, 25-4412, 25-4413, 25-4414, 25-4601, 25-4602, 25-4603, 25-4604, 25-4607, 25-4609, 25-4610, 25-4611, 25-4612, 25-4613, 46-282, 46-283 and 46-285 and K.S.A. 2005 Supp. 25-1122, 25-1124, 25-1128, 25-4143, 25-4302, 25-4322 and 46-247 and repealing the existing sections; also repealing K.S.A. 25-1307, 25-1309, 25-1311, 25-1312, 25-1313, 25-1314, 25-1315, 25-1317, 25-1318, 25-1319, 25-1320, 25-1321, 25-1322, 25-1324, 25-1325, 25-1326, 25-1327, 25-1328, 25-1329, 25-1330, 25-1331, 25-1332, 25-1333, 25-1334, 25-1335, 25-1336, 25-1337, 25-1338, 25-1339, 25-1341 and 25-1343”;

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

JENE VICKREY
STEVE HUEBERT
Conferees on part of House

TIM HUELSKAMP
KAY O'CONNOR
Conferees on part of Senate

Senator Huelskamp moved the Senate adopt the Conference Committee Report on **SB 142**.

Senator Francisco offered a substitute motion the senate not adopt the conference Committee Report and a new conference committee be appointed.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 15, Nays 22, Present and Passing 2, Absent or Not Voting 1.

Yeas: Allen, Barone, Betts, Brungardt, Francisco, Gilstrap, Goodwin, Hensley, Kelly, Lee, Schodorf, Steineger, Umbarger, Vratil, Wysong.

Nays: Apple, Barnett, Brownlee, Bruce, Donovan, Emler, Huelskamp, Jordan, Journey, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schmidt V, Taddiken, Wagle, Wilson.

Present and Passing: Haley, Teichman.

Absent or Not Voting: Reitz.

The motion to not adopt the Conference Committee report failed.

On roll call on **SB 142**, the vote was: Yeas 28, Nays 11, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Gilstrap, Goodwin, Haley, Huelskamp, Jordan, Journey, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schmidt V, Taddiken, Teichman, Umbarger, Wagle, Wilson.

Nays: Barone, Betts, Emler, Francisco, Hensley, Kelly, Lee, Schodorf, Steineger, Vratil, Wysong.

Absent or Not Voting: Reitz.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on the motion to adopt the conference committee report for **SB 142**. This report includes a compromise on **SB 142**, a compilation of some of the contents of **SB 65**, **SB 67**, **SB 68**, **SB 132**, **SB 143**, **SB 409**, **SB 419**, **SB 448** and **HB 2118** which were only heard on the Senate floor, and additional changes to our campaign finance laws. Although there are a number of changes that may be positive, I object to others, in particular the 50% increase in the contribution limit for members of the Kansas House and Senate, one change among many that the public should have been afforded some opportunity to comment on. — MARCI FRANCISCO

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 180**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as House Substitute for Senate Bill No. 180, as follows:

On page 3, in line 35, by striking "\$63" and inserting "\$54";

On page 4, in line 4, by striking "\$63" and inserting "\$54"; in line 11, by striking "\$63" and inserting "\$54";

On page 5, in line 1, by striking "\$59" and inserting "\$50"; in line 8, by striking all following "credit" where it appears for the first time; in line 9, by striking all preceding "50%"; by striking all in lines 37 through 43;

By striking all on page 6;

On page 7, by striking all in lines 1 through 31 and inserting the following:

"Sec. 4. On and after July 1, 2007, K.S.A. 2005 Supp. 8-2110, as amended by section 3, is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to (1) appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing, the division of vehicles will be notified to suspend the person's driving privileges. Upon the person's failure to comply within such 30 days, the district or municipal court shall *electronically* notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. *When the court determines the person has complied with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance.* Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension or suspension action.

(c) Except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$50 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued. Such reinstatement fee shall be in addition to any fine, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit 50% of such moneys to the division of vehicles operating fund, 37.5% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, and 12.5% to the juvenile detention facilities fund created by K.S.A. 79-4803, and amendments thereto.

(d) The district court or municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the state of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in

which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

(e) The reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.”;

And by renumbering the remaining sections accordingly;

On page 8, by striking all in lines 6 through 43;

On page 9, by striking all in lines 1 through 11;

And by renumbering the remaining sections accordingly;

Also on page 9, in line 25, by striking “\$14” and inserting “\$5”; in line 27, by striking “\$24” and inserting “\$15”;

On page 10, in line 25, by striking “173.50” and inserting “\$164.50”; in line 26, by striking “156.00” and inserting “147.00”; in line 27, by striking “121.00” and inserting “112.00”; in line 28, by striking “71.50” and inserting “62.50”; in line 29, by striking “71.50” and inserting “62.50”; in line 39, by striking “\$64” and inserting “\$55”; in line 42, by striking “\$64” and inserting “\$55”;

On page 11, in line 4, by striking “\$64” and inserting “\$55”; in line 7, by striking “\$64” and inserting “\$55”;

On page 12, in line 3, by striking “\$34” and inserting “\$25”;

On page 13, in line 2, by striking “\$34” and inserting “\$25”;

On page 14, in line 2, by striking “\$34.50” and inserting “\$25.50”; in line 3, by striking “34.50” and inserting “25.50”; in line 4, by striking “49.50” and inserting “40.50”; in line 5, by striking “48.50” and inserting “39.50”; in line 6, by striking “48.50” and inserting “39.50”; in line 7, by striking “48.50” and inserting “39.50”; in line 8, by striking “48.50” and inserting “39.50”; in line 9, by striking “48.50” and inserting “39.50”; in line 10, by striking “69.50” and inserting “60.50”; in line 11, by striking “69.50” and inserting “60.50”; in line 12, by striking “69.50” and inserting “60.50”; in line 13, by striking “69.50” and inserting “60.50”; in line 15, by striking “23.50” and inserting “14.50”; in line 16, by striking “108.50” and inserting “99.50”; in line 17, by striking “109.50” and inserting “100.50”; in line 18, by striking “33.50” and inserting “24.50”;

On page 15, in line 2, by striking “\$30” and inserting “\$21”; in line 16, by striking “\$115” and inserting “\$106”;

On page 16, by striking all in lines 25 through 34;

And by renumbering the remaining sections accordingly;

On page 17, in line 14, by striking “\$14” and inserting “\$5”;

On page 18, by striking all in lines 1 through 19 and inserting the following:

“Sec. 14. K.S.A. 61-2704, as amended by section 1 of 2006 House Bill No. 2704, is hereby amended to read as follows: 61-2704. (a) An action seeking the recovery of a small claim shall be considered to have been commenced at the time a person files a written statement of the person’s small claim with the clerk of the court if, within 90 days after the small claim is filed, service of process is obtained or the first publication is made for service by publication. Otherwise, the action is deemed commenced at the time of service of process or first publication. An entry of appearance shall have the same effect as service.

(b) Upon the filing of a plaintiff’s small claim, the clerk of the court shall require from the plaintiff a docket fee of \$26, if the claim does not exceed \$500; or \$46, if the claim exceeds \$500; unless for good cause shown the judge waives the fee. The docket fee shall be the only costs required in an action seeking recovery of a small claim. No person may file more than 20 small claims under this act in the same court during any calendar year.

(c) *The docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.”;*

Also on page 18, in line 23, by striking “\$35” and inserting “\$26”; in line 24, by striking “\$55” and inserting “\$46”; in line 25, by striking “\$85” and inserting “\$76”; in line 37, by striking all following “60-2001,”; in line 38, by striking all preceding “60-2203a”; also in line 38, following “61-2704” by inserting “, as amended by section 1 of 2006 House Bill No. 2704,”; in line 39, by striking “20-362, 20-367,”; also in line 39, by striking “28-110,”; preceding line 41, by inserting the following:

“Sec. 17. On July 1, 2007, K.S.A. 2005 Supp. 8-2110, as amended by section 3 and 8-2110, as amended by section 2 of 2006 Substitute for House Bill No. 2513, are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 10, by striking “60-2005,”; also in line 10, following “61-2704” by inserting “, as amended by section 1 of 2006 House Bill No. 2704,”; also in line 11, preceding “20-1a04” by inserting “8-2110, as amended by section 3,”; also in line 11, by striking “20-362, 20-367,”; in line 12, by striking “28-110,”; in line 13, preceding the period, by inserting “; also repealing K.S.A. 2005 Supp. 8-2110, as amended by section 2 of 2006 Substitute for House Bill No. 2513”;

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

MICHAEL O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

Senator Vratil moved the Senate adopt the Conference Committee Report on **H Sub SB 180**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Waggle, Wilson, Wysong.
Absent or Not Voting: Reitz.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2118**, submits the following report:

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

On page 1, by striking all in lines 39 through 43;

By striking all on pages 2, 3, 4 and 5 and inserting new material to read as follows:

“Section 1. Section 3 of 2006 Senate Bill No. 418 is hereby amended to read as follows:
Sec. 3. (a) On and after January 1, 2007, the attorney general shall issue licenses to carry concealed weapons to persons qualified as provided by this act. Such licenses shall be valid throughout the state for a period of four years from the date of issuance.

(b) The license, at the option of the licensee: (1) Shall be a separate card, in a form prescribed by the attorney general, that is approximately the size of a Kansas driver's license and shall bear the licensee's signature, name, address, date of birth and driver's license number or nondriver's identification card number; or (2) shall be noted on the licensee's valid Kansas driver's license or valid Kansas nondriver's identification license or card. At all times when the licensee is in actual possession of a concealed weapon, the licensee shall carry the license to carry concealed weapons or a valid Kansas driver's license or Kansas nondriver's identification card with the license to carry a concealed weapon noted thereon,

which shall constitute the license to carry a concealed weapon. On demand of a law enforcement officer, the licensee shall display the license to carry a concealed weapon and proper identification ~~unless or, if~~ such license is noted on the person's driver's license or nondriver's identification card, *shall display such driver's license or nondriver's identification card.* Verification by a law enforcement officer that a person holds a valid license to carry a concealed weapon may be accomplished by a record check using the person's ~~vehicle tag and driver's license information.~~

~~Violation of the provisions of this subsection shall constitute a class B nonperson misdemeanor.~~

The license of any person who violates the provisions of this subsection shall be suspended for not less than 30 days upon the first violation and shall be revoked for not less than five years upon the second or a subsequent violation.

(c) A valid license, issued by any other state or the District of Columbia, to carry concealed weapons shall be recognized as valid in this state, but only while the holder is not a resident of Kansas, if the attorney general determines that standards for issuance of such license or permit by such state or district are equal to or greater than the standards imposed by this act. The attorney general shall maintain and publish a list of such states and district which the attorney general determines have standards equal to or greater than the standards imposed by this act.

The provisions of this subsection shall take effect and be in force from and after January 1, 2007.

Sec. 2. Section 4 of 2006 Senate Bill No. 418 is hereby amended to read as follows: Sec. 4. (a) On and after January 1, 2007, the attorney general shall issue a license pursuant to this act if the applicant:

(1) Is a resident of the county where application for licensure is made and has been a resident of the state for six months or more immediately preceding the filing of the application, *residency to be determined in accordance with K.S.A. 77-201, and amendments thereto;*

(2) is 21 years or more of age;

(3) does not suffer from a physical infirmity which prevents the safe handling of a weapon;

(4) has never been convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a felony under the laws of this state or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a felony under the laws of this state if committed by an adult;

(5) has not been, during the five years immediately preceding the date the application is submitted: (A) ~~A mentally ill person or involuntary patient, as defined in K.S.A. 59-2946, and amendments thereto;~~ (B) ~~committed for the abuse of a controlled substance;~~ (C) ~~Convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a felony or misdemeanor under the provisions of the uniform controlled substances act or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a misdemeanor under such act if committed by an adult;~~ (D) ~~committed for the abuse of alcohol;~~ (E) (B) convicted or placed on diversion, in this or any other jurisdiction, two or more times for an act that constitutes a violation of K.S.A. 8-1567, and amendments thereto; (F) (C) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a domestic violence misdemeanor under any municipal ordinance or article 34 or 35 of chapter 21 of the Kansas Statutes Annotated or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a domestic violence misdemeanor under article 34 or 35 of chapter 21 of the Kansas Statutes Annotated if committed by an adult; or (G) (D) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a violation of section 12 of 2006 Senate Bill No. 418, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a violation of section 12 of 2006 Senate Bill No. 418, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, if committed by an adult;

(6) *has not been charged with a crime which would render the applicant, if convicted, ineligible for a license or, if so charged, final disposition of the charge has occurred and no other charges are pending which would cause the applicant to be ineligible for a license;*

~~(7)~~ (7) *has not been ordered by a court to receive treatment for mental illness pursuant to K.S.A. 59-2966, and amendments thereto, or for an alcohol or substance abuse problem pursuant to K.S.A. 59-29b66, and amendments thereto, or, if a court has ordered such treatment, has not been issued a certificate of restoration pursuant to section 12, and amendments thereto, not less than five years before the date of the application;*

(8) *desires a legal means to carry a concealed weapon for lawful self-defense;*

~~(9)~~ (9) *except as provided by subsection ~~(g)~~ of section 5 of 2006 Senate Bill No. 418, and amendments thereto, presents evidence satisfactory to the attorney general that the applicant has satisfactorily completed a weapons safety and training course approved by the attorney general pursuant to subsection (b);*

~~(10)~~ (10) *has not been adjudged a disabled person under the act for obtaining a guardian or conservator, or both, or under a similar law of another state or the District of Columbia, unless the applicant was ordered restored to capacity three or more years before the date on which the application is submitted;*

~~(11)~~ (11) *has not been dishonorably discharged from military service;*

~~(12)~~ (12) *is a citizen of the United States;*

~~(13)~~ (13) *is not subject to a restraining order issued under the protection from abuse act, under the protection from stalking act or pursuant to K.S.A. 60-1607, 38-1542, 38-1543 or 38-1563, and amendments thereto, or any equivalent order entered in another state or jurisdiction which is entitled to full faith and credit in Kansas; and*

~~(14)~~ (14) *is not in contempt of court in a child support proceeding.*

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour weapons safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of weapons, actual firing of weapons and instruction in the laws of this state governing the carrying of a concealed weapon and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic firearms training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A weapons course certified or sponsored by the attorney general; or (ii) a weapons course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or weapons training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. *Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed \$150.*

(2) The cost of the weapons safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved weapons safety and training course: (A) Evidence of completion of the course, in the form provided by rules and regulations adopted by the attorney general; or (B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant.

(c) In addition to the requirements of subsection (a), a person holding a license pursuant to this act, prior to renewal of the license provided herein, shall submit evidence satisfactory to the attorney general that the licensee has requalified by completion of an approved course given by an instructor of an approved weapons safety and training course under subsection (b).

Sec. 3. Section 5 of 2006 Senate Bill No. 418 is hereby amended to read as follows: Sec. 5. (a) The application for a license pursuant to this act shall be completed, under oath, on a form prescribed by the attorney general and shall only include:

(1) The name, address, social security number, *Kansas driver's license number or Kansas nondriver's license identification number*, place and date of birth; and occupation of the applicant;

(2) a statement that the applicant is in compliance with criteria contained within section 4 of 2006 Senate Bill No. 418, and amendments thereto;

(3) a waiver of the confidentiality of such mental health and medical records as necessary to determine the applicant's qualifications under subsection (a)(~~5~~) (7) of section 4 of 2006 Senate Bill No. 418, and amendments thereto;

(4) a statement that the applicant has been furnished a copy of this act and is knowledgeable of its provisions;

(5) a conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under K.S.A. 21-3805, and amendments thereto; and

(6) a statement that the applicant desires a concealed weapon license as a means of lawful self-defense.

(b) The applicant shall submit to the sheriff of the county where the applicant resides, during any normal business hours:

(1) A completed application described in subsection (a);

(2) except as provided by subsection (f) (g), a nonrefundable license fee ~~not to exceed~~ of \$150, if the applicant has not previously been issued a statewide license or if the applicant's license has permanently expired, *which fee shall be in the form of two cashier checks or money orders of \$40 payable to the sheriff of the county where the applicant resides and \$110 payable to the attorney general*;

(3) a photocopy of a certificate or an affidavit or document as described in subsection (b) of section 4 of 2006 Senate Bill No. 418, and amendments thereto; and

(4) a full frontal view photograph of the applicant taken within the preceding 30 days.

(c) (1) The sheriff, upon receipt of the items listed in subsection (b) of this section or subsection (a) of section 8 of 2006 Senate Bill No. 418, and amendments thereto, shall provide for the full set of fingerprints of the applicant to be taken and forwarded to the attorney general for purposes of a criminal history records check as provided by subsection (d). In addition, the sheriff shall forward *to the attorney general* a copy of the application and ~~\$110 of the original license fee, or \$50 of the renewal license fee; the portion of the original or renewal license fee which is payable~~ to the attorney general. The cost of taking such fingerprints shall be included in the portion of the fee retained by the sheriff.

(2) The sheriff of the applicant's county of residence *or the chief law enforcement officer of any law enforcement agency*, at the sheriff's *or chief law enforcement officer's* discretion, may participate in the process by submitting a voluntary report to the attorney general containing readily discoverable information, corroborated through public records, which, when combined with another enumerated factor, establishes that the applicant poses a significantly greater threat to law enforcement or the public at large than the average citizen. Any such voluntary reporting shall be made within 45 days after the date the sheriff receives the application. Any sheriff or *chief law enforcement officer* submitting a voluntary report shall not incur any civil or criminal liability as the result of the good faith submission of such report.

(3) All funds retained by the sheriff pursuant to the provisions of this section shall be ~~deposited in the general fund of the county and shall be budgeted to the use~~ *credited to a special fund of the sheriff's office which shall be used solely for law enforcement and criminal prosecution purposes and which shall not be used as a source of revenue to meet normal operating expenses* of the sheriff's office.

(d) Each applicant shall be subject to a state and national criminal history records check which conforms to applicable federal standards for the purpose of verifying the identity of the applicant and whether the applicant has been convicted of any crime that would disqualify the applicant from holding a license under this act. The attorney general is authorized to use the information obtained from the national criminal history record check to determine the applicant's eligibility for such license.

(e) Within 180 days after the date of receipt of the items listed in subsection (b), for applications received before July 1, 2007, and within 90 days after the date of receipt of the

items listed in subsection (b), for applications received on or after July 1, 2007, the attorney general shall:

- (1) Issue the license *and certify the issuance to the department of revenue*; or
- (2) deny the application based solely on: (A) The report submitted by the sheriff or other chief law enforcement officer under subsection (c)(2) for good cause shown therein; or (B) the ground that the applicant fails to qualify under the criteria listed in section 4 of 2006 Senate Bill No. 418, and amendments thereto. If the attorney general denies the application, the attorney general shall notify the applicant in writing, stating the ground for denial and informing the applicant ~~of any right to the opportunity for~~ a hearing pursuant to the Kansas administrative procedure act.
- (f) *Each person issued a license shall pay to the department of revenue fees for the cost of the license and the photograph to be placed on the license, which shall be in amounts equal to the fees required pursuant to K.S.A. 8-243 and 8-246, and amendments thereto, for a driver's license photograph and replacement of a driver's license.*
- (g) A person who is a retired law enforcement officer, as defined in K.S.A. 21-3110, and amendments thereto, shall be: (1) ~~Exempt from the~~ Required to pay an original license fee of \$100, which fee shall be in the form of two cashier checks or money orders, \$40 payable to the sheriff of the county where the applicant resides and \$60 payable to the attorney general; (2) exempt from the required completion of a weapons safety and training course if such person was certified by the Kansas law enforcement training commission not more than eight years prior to submission of the application; (3) required to pay the license renewal fee; ~~and~~ (4) *required to pay to the department of revenue the fees required by subsection (f); and* (5) required to comply with the criminal history records check requirement of this section.

Sec. 4. Section 6 of 2006 Senate Bill No. 418 is hereby amended to read as follows: Sec. 6. (a) *The attorney general shall be the official custodian of all records relating to licenses issued pursuant to the personal and family protection act.*

(b) *Except as provided by subsections (c) and (d), records relating to persons issued licenses pursuant to this act, persons applying for licenses pursuant to this act or persons who have had a license denied pursuant to this act shall be confidential and shall not be disclosed in a manner which enables identification of any such person. Any disclosure of a record in violation of this subsection is a class A misdemeanor.*

(c) *Records of a person whose license has been suspended or revoked pursuant to this act shall be subject to public inspection in accordance with the open records act.*

(d) The attorney general shall maintain an automated listing of license holders and pertinent information, and such information shall be available, upon request, at all times to all law enforcement agencies in this state, other states and the District of Columbia.

~~(b)~~ (e) Within 30 days after the changing of a permanent address, or within 30 days after having a license lost or destroyed, the licensee shall notify the attorney general of such change, loss or destruction. The attorney general, upon notice and *opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act*, may order a licensee to pay a fine of not more than \$100, or may suspend the licensee's license for not more than 180 days, for failure to notify the attorney general pursuant to the provisions of this subsection.

~~(c)~~ (f) In the event that a concealed weapon license is lost or destroyed, the license shall be automatically invalid, and the person to whom the license was issued, upon payment of \$15 to the attorney general, may obtain a duplicate, or substitute thereof, upon furnishing a notarized statement to the attorney general that such license has been lost or destroyed.

Sec. 5. Section 7 of 2006 Senate Bill No. 418 is hereby amended to read as follows: Sec. 7. (a) *In accordance with the provisions of the Kansas administrative procedure act, the attorney general shall deny a license to any applicant for license who is ineligible under section 4 of 2006 Senate Bill No. 418, and amendments thereto, and, except as provided by subsection (b), shall ~~suspend or~~ revoke at any time the license of any person who would be ineligible under section 4 of 2006 Senate Bill No. 418, and amendments thereto, if submitting an application for a license at such time or who fails to submit evidence of completion of a weapons safety and training course as required by subsection (c) of section 4 of 2006 Senate Bill No. 418, and amendments thereto. ~~The suspension or revocation shall be subject to Any~~*

review by the district court in accordance with the act for judicial review and civil enforcement of agency actions *shall be in Shawnee county*. The ~~suspension or~~ revocation shall remain in effect pending any appeal and shall not be stayed by the court.

(b) *The license of a person who would be ineligible pursuant to subsection (a)(6) of section 4 of 2006 Senate Bill No. 418, and amendments thereto, shall be subject to suspension and shall be reinstated upon final disposition of the charge as long as the person is otherwise eligible for a license.*

~~(b)~~ (c) The sheriff of the county where a restraining order is issued that would prohibit issuance of a license under subsection (a)(~~11~~) (13) of section 4 of 2006 Senate Bill No. 418, and amendments thereto, shall notify the attorney general immediately upon receipt of such order. If the person subject to the restraining order holds a license issued pursuant to this act, the attorney general immediately shall revoke such license upon receipt of notice of the issuance of such order. The attorney general shall adopt rules and regulations establishing procedures which allow for 24-hour notification and revocation of a license under the circumstances described in this subsection.

Sec. 6. Section 8 of 2006 Senate Bill No. 418 is hereby amended to read as follows: Sec. 8. (a) Not less than 90 days prior to the expiration date of the license, the attorney general shall mail to the licensee a written notice of the expiration and a renewal form prescribed by the attorney general. The licensee shall renew the license on or before the expiration date by filing with the sheriff of the applicant's county of residence the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in section 4 of 2006 Senate Bill No. 418, and amendments thereto, a full frontal view photograph of the applicant taken within the preceding 30 days and a nonrefundable license renewal fee ~~not to exceed~~ of \$100 *which fee shall be in the form of two cashier checks or money orders, one of \$50 payable to the sheriff of the county where the applicant resides and one of \$50 payable to the attorney general*. The license shall be renewed upon receipt of the completed renewal application and appropriate payment of fees. A licensee who fails to file a renewal application on or before the expiration date of the license must pay an additional late fee of \$15.

(b) If the licensee is qualified as provided by this act, the license shall be renewed upon receipt by the attorney general of the items listed in subsection (a).

(c) No license shall be renewed six months or more after the expiration date of the license, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure but an application for licensure and fees pursuant to section 5 of 2006 Senate Bill No. 418, and amendments thereto, shall be submitted, and a background investigation shall be conducted pursuant to the provisions of that section.

Sec. 7. Section 10 of 2006 Senate Bill No. 418 is hereby amended to read as follows: Sec. 10. (a) No license issued pursuant to this act shall authorize the licensee to carry a concealed weapon into:

- (1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
- (2) any police, sheriff or highway patrol station;
- (3) any detention facility, prison or jail;
- (4) any courthouse;
- (5) any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;
- (6) any polling place on the day an election is held;
- (7) any meeting of the governing body of a county, city or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
- (8) on the state fairgrounds;
- (9) any state office building;
- (10) any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education;
- (11) any professional athletic event not related to or involving firearms;

(12) any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;

(13) any elementary or secondary school ~~building or structure used for student instruction or attendance~~, *attendance center, administrative office, services center or other facility*;

(14) any community college, college or university facility;

(15) any place where the carrying of firearms is prohibited by federal or state law;

(16) any child exchange and visitation center provided for in K.S.A. 75-720, and amendments thereto;

(17) any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; mental health clinic organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital or Rainbow mental health facility;

(18) any city hall;

(19) any public library operated by the state or by a political subdivision of the state;

(20) any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420; ~~or~~

(21) any church or temple; *or*

(22) *any place in violation of K.S.A. 21-4218, and amendments thereto.*

(b) Violation of this section is a class A misdemeanor.

Sec. 8. Section 11 of 2006 Senate Bill No. 418 is hereby amended to read as follows:
Sec. 11. (a) Nothing in this act shall be construed to prevent:

(1) Any public or private employer from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer; or

(2) any entity owning or operating business premises open to the public from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on such premises, provided that the premises are posted, ~~in a manner reasonably likely to come to the attention of persons entering the premises in accordance with rules and regulations adopted by the attorney general pursuant to this section~~, as premises where carrying a concealed weapon is prohibited; or

(3) a property owner from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on such property, provided that the premises are posted, ~~in a manner reasonably likely to come to the attention of persons entering the property in accordance with rules and regulations adopted by the attorney general pursuant to this section~~, as premises where carrying a concealed weapon is prohibited.

(b) Carrying a concealed weapon on premises in violation of any restriction or prohibition allowed by subsection (a) (1), or in violation of any restriction or prohibition allowed by subsection ~~(b) or (c)~~ (a)(2) or (a)(3) if the premises are posted as required by such subsection, is a class B misdemeanor.

(c) *The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on premises pursuant to subsections (a)(2) and (a)(3).*

Sec. 9. Section 12 of 2006 Senate Bill No. 418 is hereby amended to read as follows:
Sec. 12. (a) It is a class A nonperson misdemeanor for a person licensed pursuant to this act to carry a concealed weapon while under the influence of alcohol or drugs, or both.

(b) *In any criminal prosecution for carrying a concealed weapon while under the influence of alcohol or drugs, or both, evidence of the concentration of alcohol or drugs in the defendant's blood, urine, breath or other bodily substance may be admitted and shall give rise to the following:*

(1) *If the alcohol concentration is less than .08, that fact may be considered with other competent evidence to determine if the defendant was under the influence of alcohol, or both alcohol and drugs.*

(2) *If the alcohol concentration is .08 or more, it shall be prima facie evidence that the defendant was under the influence of alcohol.*

(3) *If there was present in the defendant's bodily substance any narcotic, hypnotic, somnifacient, stimulating or other drug which has the capacity to render the defendant incapacitated, that fact may be considered to determine if the defendant was under the influence of drugs, or both alcohol and drugs.*

(c) *The provisions of subsection (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or drugs, or both.*

(d) *Any person licensed pursuant to this act is deemed to have given consent to submit to one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The testing deemed consented to under this subsection shall include all quantitative and qualitative tests for alcohol and drugs. A law enforcement officer shall request a person to submit to a test or tests deemed consented to under this subsection if such person is arrested or otherwise taken into custody for any offense involving carrying of a concealed weapon while under the influence of alcohol or drugs, or both, in violation of this section and the arresting officer has reasonable grounds to believe that prior to arrest the person was carrying a concealed weapon under the influence of alcohol or drugs, or both. The test or tests shall be administered in the manner provided by for administration of tests for alcohol or drugs pursuant to K.S.A. 8-1001, and amendments thereto, and the person performing or assisting in the performance of any such test and the law enforcement officer requesting any such test shall be immune from civil and criminal liability to the same extent as in the case of tests performed pursuant to that statute.*

(e) *Before a test or tests are administered under this section, the person shall be given oral and written notice that:*

(1) *Kansas law requires the person to submit to and complete one or more tests of breath, blood or urine to determine if the person is under the influence of alcohol or drugs, or both;*

(2) *the opportunity to consent to or refuse a test is not a constitutional right;*

(3) *there is no constitutional right to consult with an attorney regarding whether to submit to testing;*

(4) *if the person refuses to submit to and complete any test of breath, blood or urine hereafter requested by a law enforcement officer, the person's license to carry a concealed weapon will be revoked for a minimum of three years; and*

(5) *after the completion of the testing, the person has the right to consult with an attorney and may secure additional testing, which, if desired, should be done as soon as possible and is customarily available from medical care facilities and physicians.*

(f) *After giving the foregoing information, a law enforcement officer shall request the person to submit to testing. The selection of the test or tests shall be made by the officer. If the person refuses to submit to and complete a test as requested pursuant to this section, additional testing shall not be given unless the law enforcement officer has probable cause to believe that the person while under the influence of alcohol or drugs, or both, was carrying a concealed weapon used in killing or seriously injuring another person. If the test results show a blood or breath alcohol concentration of .08 or greater, the person's license to carry a concealed weapon shall be subject to suspension or revocation pursuant to this act.*

(g) *The person's refusal shall be admissible in evidence against the person at any trial on a charge arising out of carrying a concealed weapon while under the influence of alcohol or drugs, or both.*

(h) *Failure of a person to provide an adequate breath sample or samples as directed shall constitute a refusal unless the person shows that the failure was due to physical inability caused by a medical condition unrelated to any ingested alcohol or drugs.*

(i) (1) *If the person refuses to submit to testing when requested pursuant to this section, the person's weapon and license shall be seized by the law enforcement officer and the person's license shall be forwarded to the attorney general, together with the officer's certification of the following: (A) There existed reasonable grounds to believe the person was carrying a concealed weapon while under the influence of alcohol or drugs, or both, and a statement of such grounds; (B) the person had been placed under arrest or was in custody; (C) a law enforcement officer had presented the person with the oral and written notice*

required by this section; and (D) the person refused to submit to and complete a test as requested by a law enforcement officer.

(2) If the person fails a test administered pursuant to this section, the person's weapon and license shall be seized by the law enforcement officer and the person's license shall be forwarded to the attorney general, together with the officer's certification of the following: (A) There existed reasonable grounds to believe the person was carrying a concealed weapon while under the influence of alcohol or drugs, or both; (B) the person had been placed under arrest or was in custody; (C) a law enforcement officer had presented the person with the oral and written notice required by K.S.A. 8-1001, and amendments thereto; and (D) the result of the test showed that the person had an alcohol concentration of .08 or greater in such person's blood or breath.

(3) With regard to failure of a breath test, in addition to those matters required to be certified under subsection (h)(2), the law enforcement officer shall certify that: (A) The testing equipment used was certified by the Kansas department of health and environment; (B) the testing procedures used were in accordance with the requirements set out by the Kansas department of health and environment; and (C) the person who operated the testing equipment was certified by the Kansas department of health and environment to operate such equipment.

(4) For purposes of this subsection, certification shall be complete upon signing, and no additional acts of oath, affirmation, acknowledgment or proof of execution shall be required. The signed certification or a copy or photostatic reproduction thereof shall be admissible in evidence in all proceedings brought pursuant to this act, and receipt of any such certification, copy or reproduction shall accord the department authority to proceed as set forth herein. Any person who signs a certification submitted to the attorney general knowing it contains a false statement is guilty of a class B nonperson misdemeanor.

(5) Upon receipt of a certification in accordance with this section, the attorney general shall revoke the person's license for three years.

(j) It shall not be a defense that the person did not understand the written or oral notice required by this section.

(k) No test results shall be suppressed because of technical irregularities in the consent or notice required pursuant to this act.

(l) Nothing in this section shall be construed to limit the admissibility at any trial of alcohol or drug concentration testing results obtained pursuant to a search warrant.

(m) Upon the request of any person submitting to testing under this section, a report of the results of the testing shall be made available to such person.

Sec. 10. K.S.A. 21-4218 is hereby amended to read as follows: 21-4218. (a) Possession of a firearm on the grounds of or in the state capitol building, within the governor's residence, on the grounds of or in any building on the grounds of the governor's residence, within the state office building at 915 Harrison known as the Docking state office building, within the state office building at 900 Jackson known as the Landon state office building, within the Kansas judicial center at 301 West 10th, within any other state-owned or leased building if the secretary of administration has so designated by rules and regulations and conspicuously placed signs clearly stating that firearms are prohibited within such building, and within any county courthouse, unless, by county resolution, the board of county commissioners authorize the possession of a firearm within such courthouse, is possession of a firearm by a person other than a commissioned law enforcement officer, a full-time salaried law enforcement officer of another state or the federal government who is carrying out official duties while in this state, any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer or a member of the military of this state or the United States engaged in the performance of duties who brings a firearm into, or possesses a firearm within, the state capitol building, any state legislative office, any office of the governor or office of other state government elected official, any hearing room in which any committee of the state legislature or either house thereof is conducting a hearing, the governor's residence, on the grounds of or in any building on the grounds of the governor's residence or the Landon state office building, Docking state office building, Kansas judicial center, county courthouses unless otherwise allowed, or any other state-owned or leased building, so designated.

(b) It is not a violation of this section for the governor, the governor's immediate family, or specifically authorized guests of the governor to possess a firearm within the governor's residence or on the grounds of or in any building on the grounds of the governor's residence.

(c) Violation of subsection (a) is a class ~~B nonperson select misdemeanor~~ *A misdemeanor*.

(d) This section shall be part of and supplemental to the Kansas criminal code.

New Sec. 11. (a) On or before September 1, 2006, every district court shall review all files dated on or after July 1, 1998, concerning mentally ill persons subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto.

(b) If the court ordered treatment pursuant to K.S.A. 59-2966 or 59-29b66, and amendments thereto, the clerk of the court shall report such order to the Kansas bureau of investigation.

(c) A copy of such orders shall be delivered by the clerk of the court to the Kansas bureau of investigation on or before September 1, 2006. The Kansas bureau of investigation shall immediately enter the order into the national criminal information center and other appropriate databases.

(d) The Kansas bureau of investigation shall ensure the accuracy of the entries and the court shall ensure the validity of the orders.

(e) Upon a finding that the mentally ill person is a danger to self or others, the court shall notify the mentally ill person subject to involuntary commitment for care and treatment that it is a violation of the law to possess a firearm. Upon a finding that a proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment, the court shall notify the person that it is a violation of the law to possess a firearm. Upon release, the state hospital shall notify the patient that it is a violation of the law for the patient to possess a firearm and provide information to the patient regarding the restoration procedure.

New Sec. 12. On and after July 1, 2007, (a) a person who has been discharged pursuant to K.S.A. 59-2973 or 59-29b73, and amendments thereto, may file a petition in the court where treatment was ordered pursuant to K.S.A. 59-2966 or 59-29b66, and amendments thereto, for the restoration of the ability to legally possess a firearm.

(b) Notice of the filing of such petition shall be served on the petitioner who originally filed the action pursuant to K.S.A. 59-2952, 59-2957, 59-29b52 or 59-29b57, and amendments thereto, or the petitioner's attorney and the county or district attorney as appropriate.

(c) If the court finds the person is no longer likely to cause harm to such person's self or others, the court shall issue a certificate of restoration to the person. Such restoration shall have the effect of restoring the person's ability to legally possess a firearm, and the certification of restoration shall so state.

(d) The certificate of registration issued pursuant to this section shall only apply to the possession of a firearm for the purposes of an alleged violation of subsection (a)(7) of K.S.A. 21-4204, and amendments thereto.

Sec. 13. On and after January 1, 2007, K.S.A. 2005 Supp. 21-4203 is hereby amended to read as follows: 21-4203. (a) Criminal disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age;

(2) selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;

(3) selling, giving or otherwise transferring any firearm to any person who, within the preceding five years, has been convicted of a felony, other than those specified in subsection (b), under the laws of this or any other jurisdiction or has been released from imprisonment for a felony and was found not to have been in possession of a firearm at the time of the commission of the offense;

(4) selling, giving or otherwise transferring any firearm to any person who, within the preceding 10 years, has been convicted of a felony to which this subsection applies, but was not found to have been in the possession of a firearm at the time of the commission of the

offense, or has been released from imprisonment for such a crime, and has not had the conviction of such crime expunged or been pardoned for such crime; **or**

(5) selling, giving or otherwise transferring any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction and was found to have been in possession of a firearm at the time of the commission of the offense; *or*

(6) *selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto, and such person has not received a certificate of restoration pursuant to section 12, and amendments thereto.*

(b) Subsection (a)(4) shall apply to a felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a or 65-4127b, or 65-4160 through 65-4164 or K.S.A. 2005 Supp. 21-3442, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as such felony.

(c) Criminal disposal of firearms is a class A nonperson misdemeanor.

Sec. 14. On and after January 1, 2007, K.S.A. 2005 Supp. 21-4204 is hereby amended to read as follows: 21-4204. (a) Criminal possession of a firearm is:

(1) Possession of any firearm by a person who is both addicted to and an unlawful user of a controlled substance;

(2) possession of any firearm by a person who has been convicted of a person felony or a violation of any provision of the uniform controlled substances act under the laws of Kansas or a crime under a law of another jurisdiction which is substantially the same as such felony or violation, or was adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a person felony or a violation of any provision of the uniform controlled substances act, and was found to have been in possession of a firearm at the time of the commission of the offense;

(3) possession of any firearm by a person who, within the preceding five years has been convicted of a felony, other than those specified in subsection (a)(4)(A), under the laws of Kansas or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for a felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a felony, and was found not to have been in possession of a firearm at the time of the commission of the offense;

(4) possession of any firearm by a person who, within the preceding 10 years, has been convicted of: (A) A felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a or 65-4127b, or 65-4160 through 65-4164 or K.S.A. 2005 Supp. 21-3442, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for such felony, or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of such felony, was found not to have been in possession of a firearm at the time of the commission of the offense, and has not had the conviction of such crime expunged or been pardoned for such crime; or (B) a nonperson felony under the laws of Kansas or a crime under the laws of another jurisdiction which is substantially the same as such nonperson felony, has been released from imprisonment for such nonperson felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a nonperson felony, and was found to have been in possession of a firearm at the time of the commission of the offense;

(5) possession of any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades 1 through 12 or at any regularly scheduled school sponsored activity or event; **or**

(6) refusal to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer; *or*

(7) *possession of any firearm by a person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto.*

(b) Subsection (a)(5) shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(2) any possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student; *or*

(4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day.

(c) *Subsection (a)(7) shall not apply to a person who has received a certificate of restoration pursuant to section 12, and amendments thereto.*

(d) Violation of subsection (a)(1) or (a)(5) is a class B nonperson select misdemeanor; violation of subsection (a)(2), (a)(3) ~~or~~, (a)(4) *or* (a)(7) is a severity level 8, nonperson felony; violation of subsection (a)(6) is a class A nonperson misdemeanor.

Sec. 15 On and after July 1, 2007, K.S.A. 59-2948 is hereby amended to read as follows: 59-2948. (a) The fact that a person may have voluntarily accepted any form of psychiatric treatment, or become subject to a court order entered under authority of this act, shall not be construed to mean that such person shall have lost any civil right they otherwise would have as a resident or citizen, any property right or their legal capacity, except as may be specified within any court order or as otherwise limited by the provisions of this act or the reasonable rules and regulations which the head of a treatment facility may for good cause find necessary to make for the orderly operations of that facility. No person held in custody under the provisions of this act shall be denied the right to apply for a writ of habeas corpus.

(b) There shall be no implication or presumption that a patient within the terms of this act is for that reason alone a person in need of a guardian or a conservator as provided for in K.S.A. 59-3050 through 59-3095, and amendments thereto.

(c) *A person who is a mentally ill person subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto, shall be subject to K.S.A. 21-4204, and amendments thereto.*

Sec. 16. On and after July 1, 2007, K.S.A. 59-2966 is hereby amended to read as follows: 59-2966. (a) Upon the completion of the trial, if the court or jury finds by clear and convincing evidence that the proposed patient is a mentally ill person subject to involuntary commitment for care and treatment under this act, the court shall order treatment for such person for a specified period of time not to exceed three months from the date of the trial at a treatment facility, except that the court shall not order treatment at a state psychiatric hospital, unless a written statement from a qualified mental health professional authorizing such treatment at a state psychiatric hospital has been filed with the court. *Whenever an involuntary patient is ordered to receive treatment, the clerk of the district court shall send a copy of the order to the Kansas bureau of investigation within five days after receipt of the order. The Kansas bureau of investigation shall immediately enter the order into the national criminal information center and other appropriate databases.* An order for treatment in a treatment facility other than a state psychiatric hospital shall be conditioned upon the consent of the head of that treatment facility to accepting the patient. In the event no other appropriate treatment facility has agreed to provide treatment for the patient, and no qualified mental health professional has authorized treatment at a state psychiatric hospital,

the participating mental health center for the county in which the patient resides shall be given responsibility for providing or securing treatment for the patient or if no county of residence can be determined for the patient, then the participating mental health center for the county in which the patient was taken into custody or in which the petition was filed shall be given responsibility for providing or securing treatment for the patient.

(b) A copy of the order for treatment shall be provided to the head of the treatment facility.

(c) When the court orders treatment, it shall retain jurisdiction to modify, change or terminate such order, unless venue has been changed pursuant to K.S.A. 59-2971 and amendments thereto and then the receiving court shall have continuing jurisdiction.

(d) If the court finds from the evidence that the proposed patient has not been shown to be a mentally ill person subject to involuntary commitment for care and treatment under this act the court shall release the person and terminate the proceedings.

Sec. 17. On and after July 1, 2007, K.S.A. 59-2974 is hereby amended to read as follows: 59-2974. The head of the treatment facility shall notify, in writing, the patient, the patient's attorney, the petitioner or the petitioner's attorney, the county or district attorney as appropriate, and the district court which has jurisdiction over the patient of the patient's discharge pursuant to K.S.A. 59-2973 and amendments thereto. When a notice of discharge is received, the court shall file the same which shall terminate the proceedings, unless there has been issued a superseding inpatient or outpatient treatment order not being discharged by the notice. *Whenever a person who is involuntarily committed to a state psychiatric hospital is released by order of the court or termination of the case, the court shall review the case upon request of the patient, and may order the issuance of the certificate of restoration pursuant to section 12, and amendments thereto. If the court issues such release or termination and certificate, the court shall order the clerk of the district court to report the release or termination of the case and the certificate of restoration to the Kansas bureau of investigation within five days after the order.*

Sec. 18. On and after July 1, 2007, K.S.A. 59-104 is hereby amended to read as follows: 59-104. (a) *Docket fee.* Except as otherwise provided by law, no case shall be filed or docketed in the district court under the provisions of chapter 59 of the Kansas Statutes Annotated or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated without payment of an appropriate docket fee as follows:

Treatment of mentally ill	25.50 50.00
Treatment of alcoholism or drug abuse.....	25.50
Determination of descent of property	40.50
Termination of life estate.....	39.50
Termination of joint tenancy	39.50
Refusal to grant letters of administration	39.50
Adoption.....	39.50
Filing a will and affidavit under K.S.A. 59-618a.....	39.50
Guardianship	60.50
Conservatorship	60.50
Trusteeship	60.50
Combined guardianship and conservatorship.....	60.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto	14.50
Decrees in probate from another state	99.50
Probate of an estate or of a will	100.50
Civil commitment under K.S.A. 59-29a01 et seq.....	24.50

(b) *Poverty affidavit in lieu of docket fee and exemptions.* The provisions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and amendments thereto, shall apply to probate docket fees prescribed by this section.

(c) *Disposition of docket fee.* Statutory charges for the law library and for the prosecuting attorneys' training fund shall be paid from the docket fee. The remainder of the docket fee shall be paid to the state treasurer in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, transcripts and publication of legal notice, executor or administrator fees, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties or estate as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

Sec. 19. On and after July 1, 2007, K.S.A. 59-29b48 is hereby amended to read as follows: 59-29b48. (a) The fact that a person may have voluntarily accepted any form of treatment for an alcohol or substance abuse problem, or become subject to a court order entered under authority of this act, shall not be construed to mean that such person shall have lost any civil right they otherwise would have as a resident or citizen, any property right or their legal capacity, except as may be specified within any court order or as otherwise limited by the provisions of this act or the reasonable rules and regulations which the head of a treatment facility may for good cause find necessary to make for the orderly operations of that facility. No person held in custody under the provisions of this act shall be denied the right to apply for a writ of habeas corpus.

(b) There shall be no implication or presumption that a patient within the terms of this act is for that reason alone a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.

(c) *A person who is a mentally ill person subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto, shall be subject to K.S.A. 21-4204, and amendment thereto.*

Sec. 20. On and after July 1, 2007, K.S.A. 59-29b66 is hereby amended to read as follows: 59-29b66. (a) Upon the completion of the trial, if the court or jury finds by clear and convincing evidence that the proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act, the court shall order treatment for such person for a specified period of time not to exceed three months from the date of the trial at a treatment facility. *Whenever an involuntary patient is ordered to receive treatment, the clerk of the district court shall send a copy of the order to the Kansas bureau of investigation within five days after receipt of the order. The Kansas bureau of investigation shall immediately enter the order into the national criminal information center and other appropriate databases.* An order for treatment in a treatment facility shall be conditioned upon the consent of the head of that treatment facility to accepting the patient. In the event no appropriate treatment facility has agreed to provide treatment for the patient, then the secretary of social and rehabilitation services shall be given responsibility for providing or securing treatment for the patient.

(b) A copy of the order for treatment shall be provided to the head of the treatment facility.

(c) When the court orders treatment, it shall retain jurisdiction to modify, change or terminate such order, unless venue has been changed pursuant to K.S.A. 59-29b71 and amendments thereto and then the receiving court shall have continuing jurisdiction.

(d) If the court finds from the evidence that the proposed patient has not been shown to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act, the court shall release the person and terminate the proceedings.

Sec. 21. On and after July 1, 2007, K.S.A. 59-29b74 is hereby amended to read as follows: 59-29b74. The head of the treatment facility shall notify, in writing, the patient, the patient's attorney, the petitioner or the petitioner's attorney, the county or district attorney as appropriate, and the district court which has jurisdiction over the patient of the patient's discharge pursuant to K.S.A. 59-29b73 and amendments thereto. When a notice of discharge is received, the court shall file the same which shall terminate the proceedings, unless there has been issued a superseding inpatient or outpatient treatment order not being discharged by the notice. *Whenever a person who is involuntarily committed to a state psychiatric*

hospital is released by order of the court of termination of the case, the court shall review the case upon request of the patient, and may order the issuance of the certificate of restoration pursuant to section 12, and amendments thereto. If the court issues such release or termination and certificate, the court shall order the clerk of the district court to report the release or termination of the case and the certificate of restoration to the Kansas bureau of investigation within five days after the order

Sec. 22. K.S.A. 21-4218, and sections 3, 4, 5, 6, 7, 8, 10, 11 and 12 of 2006 Senate Bill No. 418 are hereby repealed.

Sec. 23. On and after January 1, 2007, K.S.A. 2005 Supp. 21-4203 and 21-4204 are hereby repealed.

Sec. 24. On and after July 1, 2007, K.S.A. 59-104, 59-2948, 59-2966, 59-2974, 59-29b48, 59-29b66 and 59-29b74 are hereby repealed.

Sec. 25. This act shall take effect and be in force from and after its publication in the statute book.”;

On page 1, in the title, by striking all in lines 13 through 15 and inserting “the personal and family protection act; amending K.S.A. 21-4218, 59-104, 59-2948, 59-2966, 59-2974, 59-29b48, 59-29b66 and 59-29b74 and K.S.A. 2005 Supp. 21-4203 and 21-4204 and sections 3, 4, 5, 6, 7, 8, 10, 11 and 12 of 2006 Senate Bill No. 418 and repealing the existing sections.”;

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

TIM HUELSKAMP

DENNIS WILSON

Conferees on part of Senate

JENE VICKREY

STEVE HUEBERT

TOM SAWYER

Conferees on part of House

Senator Journey moved the Senate adopt the Conference Committee Report on **HB 2118**.

Senator Hensley offered a substitute motion the senate not adopt the conference Committee Report and a new conference committee be appointed. The motion failed.

On roll call on **HB 2118**, the vote was: Yeas 30, Nays 9, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Haley, Huelskamp, Jordan, Journey, Kelly, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle, Wilson.

Nays: Allen, Betts, Francisco, Goodwin, Hensley, Lee, Schmidt V, Vratil, Wysong.

Absent or Not Voting: Reitz.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I have been consistent in my support for Kansans to have the right to carry a concealed weapon.

I have been consistent in my advocacy for open government and open records.

Time and time again, I have voted in favor of conceal and carry.

And, time and time again, I have consistently fought to open up our government to the public.

That is why I vote NO on the conference committee report for **HB 2118** which closes the record of those who carry a concealed weapon. — ANTHONY HENSLEY

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2583**, submits the following report:

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

On page 1, by striking all in line 21 through 43;

By striking all on pages 2 through 30 and inserting the following:

“New Section 1. (a) It is the purpose of this section to promote, stimulate, foster and encourage new investments in commercial and industrial machinery and equipment in the state of Kansas, to contribute to the economic recovery of the state, to enhance business opportunities in the state, to encourage the location of new businesses and industries in the state as well as the retention and expansion of existing businesses and industries and to promote the economic stability of the state by maintaining and providing employment opportunities, thereby contributing to the general welfare of the citizens of the state, by exempting from property taxation all newly purchased or leased commercial and industrial machinery and equipment, including machinery and equipment transferred into this state for the purpose of expanding an existing business or for the creation of a new business.

(b) The following described property, to the extent specified by this section, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. Commercial and industrial machinery and equipment acquired by qualified purchase or lease made or entered into after June 30, 2006, as the result of a bona fide transaction not consummated for the purpose of avoiding taxation.

Second. Commercial and industrial machinery and equipment transported into this state after June 30, 2006, for the purpose of expanding an existing business or creation of a new business.

(c) Any purchase, lease or transportation of commercial and industrial machinery and equipment consummated for the purpose of avoiding taxation shall subject the property to the penalty provisions of K.S.A. 79-1422 and 79-1427a, and amendments thereto.

(d) As used in this section:

(1) “Acquired” shall not include the transfer of property pursuant to an exchange for stock securities, or the transfer of assets from one going concern to another due to a merger, reorganization or other consolidation;

(2) “commercial and industrial machinery and equipment” means property classified for property tax purposes within subclass (5) of class 2 of section 1 of article 11 of the constitution of the state of Kansas;

(3) “qualified lease” means a lease of commercial and industrial machinery and equipment for not less than 30 days for fair and valuable consideration where such machinery and equipment is physically transferred to the lessee to be used in the lessee’s business or trade; and

(4) “qualified purchase” means a purchase of commercial and industrial machinery and equipment for fair and valuable consideration where such machinery and equipment is physically transferred to the purchaser to be used in the purchaser’s business or trade.

(e) The secretary of revenue is hereby authorized to adopt rules and regulations to administer the provisions of this section.

New Sec. 2. (a) There is hereby established in the state treasury the business machinery and equipment tax reduction assistance fund which shall be administered by the state treasurer. All expenditures from the business machinery and equipment tax reduction assistance fund shall be for the payments to counties for distribution to taxing subdivisions levying ad valorem taxes within the county in accordance with this section.

(b) The secretary of revenue shall adopt a policy using the most current information that is available, and that is determined to be practicable by the secretary for this purpose and shall calculate the following:

(1) On January 31, 2008, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2007. On or before February 15, 2008, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 90% of such difference for distribution as provided in subsection (d).

(2) On January 31, 2009, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions

within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2008. On or before February 15, 2009, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 70% of such difference for distribution as provided in subsection (d).

(3) On January 31, 2010, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2009. On or before February 15, 2010, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 50% of such difference for distribution as provided in subsection (d).

(4) On January 31, 2011, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2010. On or before February 15, 2011, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 30% of such difference for distribution as provided in subsection (d).

(5) On January 31, 2012, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2011. On or before February 15, 2012, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 10% of such difference for distribution as provided in subsection (d).

(6) There shall be no payments made pursuant to this section after the payments made by the state treasurer on or before February 15, 2012, and the provisions of this section shall expire at such time.

(c) If the amount calculated for the difference in subsections (b)(1) through (b)(5) is negative, the amount calculated for such county for such year shall be deemed to be zero and no amount shall be paid to the county treasurer of such county as otherwise provided in subsection (b). Nothing in this section shall be construed to require the county to make any payments to the state in such event that the amount calculated for the difference is negative for the county for such year.

(d) (1) On January 31 of each year specified in this section, the secretary of revenue shall certify to the director of accounts and reports the aggregate of all amounts determined for counties pursuant to subsection (b). Upon receipt of such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the business machinery and equipment tax reduction assistance fund.

(2) The state treasurer shall apportion and distribute the moneys credited to the business machinery and equipment tax reduction assistance fund to the county treasurers in accordance with subsection (b). Upon receipt of each such amount, each county treasurer shall apportion such amount among the ad valorem taxing subdivisions in the same proportion that the amount of the total mill levy of each individual taxing subdivision for the preceding tax year bears to the aggregate of such levies of all the taxing subdivisions among which the apportionment is to be made. The county treasurer shall pay such amounts to the taxing subdivisions at the same time or times as their regular operating tax rate mill levy is paid to them.

(e) Before January 31 of 2007 through 2013, the secretary of revenue shall make a detailed report of amounts calculated as required pursuant to subsection (b) for each individual county and in aggregate for all the counties for the current year along with any projections for future years, amounts distributed to the counties pursuant to this section, and all other relevant information related to the provisions of this section, and shall present such report before such date to the house committee on taxation of the house of representatives and the senate committee on assessment and taxation of the senate for consideration by the legislature in making any appropriate adjustments to the provisions of this section.

New Sec. 3. (a) It is the purpose of this section to promote, stimulate, foster and encourage new investments in telecommunications machinery and equipment and railroad machinery and equipment in the state of Kansas, to recognize the dramatic changes within the telecommunications industry, to contribute to the economic recovery of the state, to enhance business opportunities in the state, to encourage the location of new businesses and industries in the state as well as the retention and expansion of existing businesses and industries and to promote the economic stability of the state by maintaining and providing employment opportunities, thereby contributing to the general welfare of the citizens of the state, by exempting from property taxation certain newly purchased or leased telecommunications machinery and equipment and railroad machinery and equipment, including all such machinery and equipment transferred into this state for the purpose of expanding an existing business or for the creation of a new business.

(b) The following described property, to the extent specified by this section, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. Telecommunications machinery and equipment and railroad machinery and equipment acquired by qualified purchase or lease made or entered into after June 30, 2006, as the result of a bona fide transaction not consummated for the purpose of avoiding taxation.

Second. Telecommunications machinery and equipment and railroad machinery and equipment transported into this state after June 30, 2006, for the purpose of expanding an existing business or creation of a new business.

(c) As used in this section:

(1) "Acquired" shall not include the transfer of property pursuant to an exchange for stock securities, or the transfer of assets from one going concern to another due to a merger, reorganization or other consolidation;

(2) "qualified lease" means a lease of telecommunications machinery and equipment or railroad machinery and equipment for not less than 30 days for fair and valuable consideration where such machinery and equipment is physically transferred to the lessee to be used in the lessee's business or trade;

(3) "qualified purchase" means a purchase of telecommunications machinery and equipment or railroad machinery and equipment for fair and valuable consideration where such machinery and equipment is physically transferred to the purchaser to be used in the purchaser's business or trade;

(4) "railroad machinery and equipment" means railroad machinery and equipment classified for property tax purposes within subclass (3) of class 2 of section 1 of article 11 of the constitution of the state of Kansas; and

(5) "telecommunications machinery and equipment" means network administrative assets; central office equipment; information, station and customer equipment; and outside plant equipment of a telecommunication company.

(d) The secretary of revenue is hereby authorized to adopt rules and regulations to administer the provisions of this section.

New Sec. 4. (a) There is hereby established in the state treasury the telecommunications and railroad machinery and equipment tax reduction assistance fund which shall be administered by the state treasurer. All expenditures from the telecommunications and railroad machinery and equipment tax reduction assistance fund shall be for the payments to counties for distribution to taxing subdivisions levying ad valorem taxes within the county in accordance with this section.

(b) The secretary of revenue shall adopt a policy using the most current information that is available, and that is determined to be practicable by the secretary for this purpose and shall calculate the following:

(1) On January 31, 2008, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2007. On or before February 15, 2008, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each

county an amount equal to 90% of such difference for distribution as provided in subsection (d).

(2) On January 31, 2009, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2008. On or before February 15, 2009, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 70% of such difference for distribution as provided in subsection (d).

(3) On January 31, 2010, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2009. On or before February 15, 2010, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 50% of such difference for distribution as provided in subsection (d).

(4) On January 31, 2011, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2010. On or before February 15, 2011, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 30% of such difference for distribution as provided in subsection (d).

(5) On January 31, 2012, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2011. On or before February 15, 2012, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 10% of such difference for distribution as provided in subsection (d).

(6) There shall be no payments made pursuant to this section after the payments made by the state treasurer on or before February 15, 2012, and the provisions of this section shall expire at such time.

(c) If the amount calculated for the difference in subsections (b)(1) through (b)(5) is negative, the amount calculated for such county for such year shall be deemed to be zero and no amount shall be paid to the county treasurer of such county as otherwise provided in subsection (b). Nothing in this section shall be construed to require the county to make any payments to the state in such event that the amount calculated for the difference is negative for the county for such year.

(d) (1) On January 31 of each year specified in this section, the secretary of revenue shall certify to the director of accounts and reports the aggregate of all amounts determined for counties pursuant to subsection (b). Upon receipt of such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund.

(2) The state treasurer shall apportion and distribute the moneys credited to the telecommunications and railroad machinery and equipment tax reduction assistance fund to the county treasurers in accordance with subsection (b). Upon receipt of each such amount, each county treasurer shall apportion such amount among the ad valorem taxing subdivisions in the same proportion that the amount of the total mill levy of each individual taxing subdivision for the preceding tax year bears to the aggregate of such levies of all the taxing subdivisions among which the apportionment is to be made. The county treasurer shall pay such amounts to the taxing subdivisions at the same time or times as their regular operating tax rate mill levy is paid to them.

(e) Before January 31 of 2007 through 2013, the secretary of revenue shall make a detailed report of amounts calculated as required pursuant to subsection (b) for each individual county and in aggregate for all the counties for the current year along with any projections for future years, amounts distributed to the counties pursuant to this section, and all other relevant information related to the provisions of this section, and shall present such report before such date to the house committee on taxation of the house of representatives and the senate committee on assessment and taxation of the senate for consideration by the legislature in making any appropriate adjustments to the provisions of this section.

New Sec. 5. (a) Television broadcasters shall receive a credit from the county treasurer of the county in which digital television equipment is located, to apply only towards payment of the broadcaster's personal property taxes, in an amount equal to the broadcaster's personal property taxes on digital television equipment acquired prior to July 1, 2006, multiplied by one minus the digital television fraction. The digital television fraction shall be a fraction the numerator of which is the total number of digital television sets in the United States and the denominator of which is an amount representing the total television sets in the United States as of the assessment date. The digital television fraction will be determined on an annual basis based upon sales data reported by the consumer electronics association or other national organization acceptable to the department of revenue. The Kansas association of broadcasters shall provide, by July 1 of each year, to the department an estimate of the digital television fraction as of the preceding January 1. The department shall communicate such estimate to each county appraiser. The credit shall not be applicable to years after the federal communications commission has ended the broadcast of analog television signals by all full power commercial television stations in Kansas.

(b) As used in this section, "digital television equipment" means all items of tangible personal property that are used directly or indirectly in broadcasting television shows or commercials through the use of digital technology including studio broadcast equipment, transmitter and antenna equipment and broadcast towers.

New Sec. 6. (a) Radio broadcasters shall receive a credit from the county treasurer of the county in which digital radio equipment is located, to apply only towards payment of the radio broadcaster's personal property taxes in an amount equal to the personal property taxes on the radio broadcaster's digital radio equipment acquired prior to July 1, 2006, multiplied by one minus the digital radio fraction. The digital radio fraction shall be a fraction, the numerator of which is the total number of digital radio sets in the United State and the denominator of which is an amount representing the total radio sets in the United States as of the assessment date. The digital radio fraction shall be determined on an annual basis based upon sales data reported by the consumer electronics association or other national organization acceptable to the department of revenue. The Kansas association of broadcasters shall provide, by July 1 of each year, to the department an estimate of the digital radio fraction as of the preceding January 1. The department shall communicate such estimate to each county appraiser. The credit shall not be applicable to years after December 31, 2013, or until more than 50% of the radio sets in the United States are capable of receiving the digital radio signal, whichever comes first.

(b) As used in this section, "digital radio equipment" means all items of tangible personal property that are used directly or indirectly in broadcasting radio shows or commercials through the use of digital technology including studio broadcast equipment, transmitter and antenna equipment and broadcast towers.

Sec. 7. K.S.A. 75-2551 is hereby amended to read as follows: 75-2551. Federal funds for public library service made available to the state which are administered by the state librarian or state commission may be used in support of any one or more regional system of cooperating libraries within the provisions of such federal legislation. The use of funds of any regional system of cooperating libraries shall be established by the system board by contracts with boards of participating libraries, or otherwise.

Participating boards shall have the power and are hereby authorized to pay for services purchased from the system board.

Any funds appropriated by the legislature and administered by the state librarian for the promotion of library services may be used to pay all or part of the expenses and equipment of any regional system of cooperating libraries.

The system board shall be subject to the cash basis and budget laws of the state. The budget of the system board shall be prepared, adopted and published as provided by law and hearing shall be held thereon in the first week of the month of August of each year. The tax levy made pursuant to the budget shall be *based upon the certified preliminary abstract of property values submitted to the director of property valuation pursuant to K.S.A. 79-1604, and amendments thereto, and shall be* certified to the county clerks of each county in the territory of the regional system of cooperating libraries.

Each system board is hereby authorized to levy not in excess of $\frac{3}{4}$ mill of tax to be used for library purposes on all of the taxable property within the boundaries of the regional system of cooperating libraries that is not within a district supporting a library with funds of the district.

Sec. 8. K.S.A. 2005 Supp. 79-201w is hereby amended to read as follows: 79-201w. The following described property, to the extent specified by this section, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

Any item of machinery, equipment, materials and supplies which, except for the operation of the provisions of this section, would be required to be listed for the purpose of taxation pursuant to K.S.A. 79-306, and amendments thereto, and which is used or to be used in the conduct of the owner's business, or in the conduct of activities by an entity not subject to Kansas income taxation pursuant to K.S.A. 79-32,113, and amendments thereto, whose original retail cost when new is ~~\$250 or less for tax year 2002, and \$400 or less for tax year 2003~~ *\$400 or less for tax years 2005 and 2006, and \$1,500 or less for tax year 2007*, and all tax years thereafter.

Sec. 9. K.S.A. 79-210 is hereby amended to read as follows: 79-210. The owner or owners of all property which is exempt from the payment of property taxes under the laws of the state of Kansas for a specified period of years, other than property exempt under K.S.A. ~~79-201d and 79-201g and 79-201d Second~~, and amendments thereto, shall in each year after approval thereof by the board of tax appeals claim such exemption on or before March 1 of each year in which such exemption is claimed in the manner hereinafter provided. All claims for exemption from the payment of property taxes shall be made upon forms prescribed by the director of property valuation and shall identify the property sought to be exempt, state the basis for the exemption claimed and shall be filed in the office of the assessing officer of the county in which such property is located. The assessing officers of the several counties shall list and value for assessment, all property located within the county for which no claim for exemption has been filed in the manner hereinbefore provided. The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this section. The provisions of this section shall apply to property exempted pursuant to the provisions of section 13 of article 11 of the Kansas constitution. The claim for exemption annually filed by the owner of such property with the assessing officer shall include a written statement, signed by the clerk of the city or county granting the exemption, that the property continues to meet all the terms and conditions established as a condition of granting the exemption.

Sec. 10. K.S.A. 2005 Supp. 79-213 is hereby amended to read as follows: 79-213. (a) Any property owner requesting an exemption from the payment of ad valorem property taxes assessed, or to be assessed, against their property shall be required to file an initial request for exemption, on forms approved by the board of tax appeals and provided by the county appraiser.

(b) The initial exemption request shall identify the property for which the exemption is requested and state, in detail, the legal and factual basis for the exemption claimed.

(c) The request for exemption shall be filed with the county appraiser of the county where such property is principally located.

(d) After a review of the exemption request, and after a preliminary examination of the facts as alleged, the county appraiser shall recommend that the exemption request either be granted or denied, and, if necessary, that a hearing be held. If a denial is recommended, a statement of the controlling facts and law relied upon shall be included on the form.

(e) The county appraiser, after making such written recommendation, shall file the request for exemption and the recommendations of the county appraiser with the board of tax appeals.

(f) Upon receipt of the request for exemption, the board shall docket the same and notify the applicant and the county appraiser of such fact.

(g) After examination of the request for exemption, and the county appraiser's recommendation related thereto, the board may fix a time and place for hearing, and shall notify the applicant and the county appraiser of the time and place so fixed. A request for exemption pursuant to: (1) Section 13 of article 11 of the Kansas constitution; or (2) K.S.A. 79-201a *Second*, and amendments thereto, for property constructed or purchased, in whole or in part, with the proceeds of revenue bonds under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, prepared in accordance with instructions and assistance which shall be provided by the department of commerce, shall be deemed approved unless scheduled for hearing within 30 days after the date of receipt of all required information and data relating to the request for exemption, and such hearing shall be conducted within 90 days after such date. Such time periods shall be determined without regard to any extension or continuance allowed to either party to such request. In any case where a party to such request for exemption requests a hearing thereon, the same shall be granted. Hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act. In all instances where the board sets a request for exemption for hearing, the county shall be represented by its county attorney or county counselor.

(h) Except as otherwise provided by subsection (g), in the event of a hearing, the same shall be originally set not later than 90 days after the filing of the request for exemption with the board.

(i) During the pendency of a request for exemption, no person, firm, unincorporated association, company or corporation charged with real estate or personal property taxes pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, on the tax books in the hands of the county treasurer shall be required to pay the tax from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon and the same becomes a final order. In the event that taxes have been assessed against the subject property, no interest shall accrue on any unpaid tax for the year or years in question nor shall the unpaid tax be considered delinquent from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon. In the event the board determines an application for exemption is without merit and filed in bad faith to delay the due date of the tax, the tax shall be considered delinquent as of the date the tax would have been due pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, and interest shall accrue as prescribed therein.

(j) In the event the board grants the initial request for exemption, the same shall be effective beginning with the date of first exempt use except that, with respect to property the construction of which commenced not to exceed 24 months prior to the date of first exempt use, the same shall be effective beginning with the date of commencement of construction.

(k) In conjunction with its authority to grant exemptions, the board shall have the authority to abate all unpaid taxes that have accrued from and since the effective date of the exemption. In the event that taxes have been paid during the period where the subject property has been determined to be exempt, the board shall have the authority to order a refund of taxes for the year immediately preceding the year in which the exemption application is filed in accordance with subsection (a).

(l) The provisions of this section shall not apply to: (1) Farm machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (2) personal property exempted from ad valorem taxation by K.S.A. 79-215, and amendments thereto; (3) wearing apparel, household goods and personal effects exempted from ad valorem taxation by K.S.A. 79-201c, and amendments thereto; (4) livestock; (5) ~~hay and silage~~ *all property* exempted from ad valorem taxation by K.S.A. 79-201d, and amendments thereto; (6) merchants' and manufacturers' inventories exempted from ad valorem taxation by K.S.A. 79-201m and amendments thereto; (7) grain exempted from ad valorem taxation by K.S.A. 79-201n, and amendments thereto; (8) property exempted from ad valorem taxation by K.S.A. 79-201a *Seventeenth* and amendments thereto, including all property previously acquired by the secretary of transportation or a predecessor in interest, which is used in the administration, construction, maintenance or operation of the state system of highways. The

secretary of transportation shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (9) property exempted from ad valorem taxation by K.S.A. 79-201a *Ninth*, and amendments thereto, including all property previously acquired by the Kansas turnpike authority which is used in the administration, construction, maintenance or operation of the Kansas turnpike. The Kansas turnpike authority shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (10) aquaculture machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto. As used in this section, "aquaculture" has the same meaning ascribed thereto by K.S.A. 47-1901, and amendments thereto; (11) Christmas tree machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (12) property used exclusively by the state or any municipality or political subdivision of the state for right-of-way purposes. The state agency or the governing body of the municipality or political subdivision shall at the time of acquisition of property for right-of-way purposes notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (13) machinery, equipment, materials and supplies exempted from ad valorem taxation by K.S.A. 79-201w, and amendments thereto; (14) vehicles owned by the state or by any political or taxing subdivision thereof and used exclusively for governmental purposes; (15) property used for residential purposes which is exempted pursuant to K.S.A. 79-201x from the property tax levied pursuant to K.S.A. 72-6431, and amendments thereto; (16) from and after July 1, 1998, vehicles which are owned by an organization having as one of its purposes the assistance by the provision of transit services to the elderly and to disabled persons and which are exempted pursuant to K.S.A. 79-201 *Ninth*; ~~and~~ (17) from and after July 1, 1998, motor vehicles exempted from taxation by subsection (e) of K.S.A. 79-5107, and amendments thereto; (18) *commercial and industrial machinery and equipment exempted from property or ad valorem taxation by section 1, and amendments thereto; and* (19) *telecommunications machinery and equipment and railroad machinery and equipment exempted from property or ad valorem taxation by section 3, and amendments thereto.*

(m) The provisions of this section shall apply to property exempt pursuant to the provisions of section 13 of article 11 of the Kansas constitution.

(n) The provisions of subsection (k) as amended by this act shall be applicable to all exemption applications filed in accordance with subsection (a) after December 31, 2001.

Sec. 11. K.S.A. 79-2930 is hereby amended to read as follows: 79-2930. (a) Two copies of the budget certificate giving the amount of ad valorem tax to be levied and the total amount of the adopted budget of expenditures by fund, along with itemized budget forms for each and every fund and proof of publication of the notice of budget hearing containing the budget summary shall be presented to the county clerk within the time prescribed by K.S.A. 79-1801 ~~as amended and amendments thereto~~. Where action has been taken under any statute to increase the amount of tax to be levied authorized by law, a statement showing the increased amount or tax levy rate voted, or a copy of the charter resolution or ordinance making the change, shall be attached to the budget each year the change is in effect.

(b) The county clerk shall make any reductions to the ad valorem tax to be levied, compute the tax levy rates based on the final equalized assessed valuation, and enter such on the budget certificate before attesting the budget, *except that with regard to levies made under K.S.A. 75-2551, and amendments thereto, such levies shall be based upon the certified preliminary abstract of property values submitted to the director of property valuation pursuant to K.S.A. 79-1604, and amendments thereto*. A copy of all budgets for taxing subdivisions of the county, properly attested, shall be filed with the director of accounts and reports, along with a copy of the tax levy rate summary required of the county treasurer by K.S.A. 79-2002, and amendments thereto.

(c) Each fund of the adopted budget certified to the county clerk in no event shall exceed the amount of ad valorem tax to be levied and the proposed expenditures of such fund in the proposed budget as originally published. The governing body of each taxing subdivision shall not certify an amount of ad valorem taxes to be levied that is in excess of any tax levy rate or amount limitations or any aggregate tax levy limitations. The governing

bodies, in fixing the amount may take into consideration and make allowance for the taxes which may not be paid, such allowance, however, shall not exceed by more than 5% the percentage of delinquency for the preceding tax year.

Sec. 12. K.S.A. 2005 Supp. 79-2959, as amended by section 160 of 2006 Senate Bill No. 480, is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that no moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years 2007 and 2008, and the amount of the transfer on each such date shall be \$6,750,000 during the fiscal year 2010, \$13,500,000 during fiscal year 2011, \$20,250,000 during fiscal year 2012, and \$27,000,000 during fiscal year 2013 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704 and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) Sixty-five percent of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201 and amendments thereto on July 1 of the preceding year; and (2) thirty-five percent of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 13. K.S.A. 2005 Supp. 79-4508 is hereby amended to read as follows: 79-4508. (a) Commencing in the tax year beginning after December 31, 2005, the amount of any claim pursuant to this act shall be computed by deducting the amount computed under column (2) from the amount of claimant's property tax accrued and/or rent constituting property tax accrued.

(1)		(2)
Claimants household income		Deduction from property tax accrued and/or rent constituting property tax accrued
At least	But not more than	
\$0	\$6,000	\$0
6,001	7,000	4%
7,001	16,000	4% plus 4% of every \$1,000, or fraction thereof, of income in excess of \$7,001
16,001	27,000	40% plus 5% of every \$1,000, or fraction thereof, of income in excess of \$16,001
27,001	27,600	95%
\$0	\$3,000	\$0
3,001	4,000	12%
4,001	26,300	12% plus 4% of every \$1,000, or fraction thereof, of income in excess of \$4,001

(b) The director of taxation shall prepare a table under which claims under this act shall be determined. The amount of claim for each bracket shall be computed only to the nearest \$1.

(c) The claimant may elect not to record the amount claimed on the claim. The claim allowable to persons making this election shall be computed by the department which shall notify the claimant by mail of the amount of the allowable claim.

(d) In the case of all tax years commencing after December 31, 2004, the upper limit threshold amount prescribed in this section, shall be increased by an amount equal to such threshold amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.

Sec. 14. K.S.A. 75-2551, 79-210 and 79-2930 and K.S.A. 2005 Supp. 79-201w, 79-213, 79-2959, as amended by section 160 of 2006 Senate Bill No. 480, and 79-4508 are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the statute book.”;

Also on page 1, in the title, in line 10, by striking all after “ACT”; by striking all in lines 11 through 17; in line 18, by striking all before the period and inserting “concerning property taxation; relating to exemptions; property tax reduction assistance payments to counties; credits; basis for property tax levies of public libraries; homestead property tax refunds; amending K.S.A. 75-2551, 79-210 and 79-2930 and K.S.A. 2005 Supp. 79-201w, 79-213, 79-2959, as amended by section 160 of 2006 Senate Bill No. 480, and 79-4508 and repealing the existing sections”;

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

BARBARA P. ALLEN
DEREK SCHMIDT
JANIS K. LEE
Conferees on part of Senate

KENNY A. WILK
DAVID HUFF
TOM THULL
Conferees on part of House

Senator Allen moved the Senate adopt the Conference Committee Report on **HB 2583**. On roll call, the vote was: Yeas 28, Nays 11, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Donovan, Emler, Francisco, Huelskamp, Jordan, Journey, Kelly, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt V, Schodorf, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Betts, Brungardt, Gilstrap, Goodwin, Haley, Hensley, Lee, Schmidt D, Steineger, Taddiken, Teichman.

Absent or Not Voting: Reitz.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **HB 2583**. This bill is a positive step towards making Kansas a more business friendly state. It is time we shed the reputation of being the high tax state on the plains. We have two major corporations on the brink of investing hundreds of millions of dollars in Kansas. Let's welcome this investment with open arms.—KARIN BROWNLEE

Senators Huelskamp, Journey, O'Connor, Palmer and Wilson request the record to show they concur with the “Explanation of Vote” offered by Senator Brownlee on **HB 2583**.

MR. PRESIDENT: As the majority leader I have worked to help this proposed property tax exemption for new business machinery and equipment make its way through the process and reach a final vote. In fact, the conference committee report bears my signature. I have done so because I understand that this is an important economic policy initiative that many believe will benefit our state as a whole.

But the costs and benefits of this initiative are likely to be unevenly felt throughout our state. As I cast my vote, I must represent the interests of the people of the 15th Senate District who sent me here on their behalf. Three of the counties I represent are among those with the highest reliance on machinery and equipment in their property tax base. Some of those counties have aggressively used current-law abatements to pursue industrial

recruitment and investment. In other words, they have little to gain from a permanent abatement on machinery and equipment and possibly a great deal to lose through shifts in the property tax burden to homes, farms, and other businesses. I cannot risk raising property taxes for most of my constituents.

Therefore, I reluctantly vote no.—DEREK SCHMIDT

MR. PRESIDENT: The machinery and equipment bill is an important economic development tool for counties who can truly attract new industries and businesses to their area. I whole heartedly support efforts that will bring that kind of growth to our state. However, even with the slider in this bill, I can not vote for a bill that has the effect of driving up property tax. My constituents have a slim chance of benefitting from this tax exemption but do have a distinct probability of seeing their property taxes increase. Therefore Mr. President, I must vote No. — RUTH TEICHMAN

Senators Betts, Brungardt, Gilstrap, Goodwin, Hensley, Lee and Taddiken, request the record to show they concur with the "Explanation of Vote" offered by Senator Teichman on **HB 2583**.

REPORT ON ENGROSSED BILLS

SB 432 reported correctly engrossed May 10, 2006.

Also, **SB 55**, **SB 324**, **SB 404** correctly re-engrossed May 10, 2006.

On motion of Senator D. Schmidt, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

The House announces the appointment of Representative Schwab to replace Representative Huntington and Representative Dahl replaces Representative Gordon as conferees on **SB 260**.

The House adopts the conference committee report on **HB 2118**.

The House adopts the conference committee report on **HB 2583**.

ORIGINAL MOTION

Senator D. Schmidt moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and dispense with distribution of copies of the conference committee report on **S Sub HB 2968**.

On motion of Senator D. Schmidt, the Senate recessed until 4:30 p.m.

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **SB 62**.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **SB 62**

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 62**, submits the following report:

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

On page 3, in line 15, before the period by inserting “, with the exception of temporary assistance for needy families which may not be received for those same grandchildren”;

On page 4, by striking all in lines 37 through 43;

By striking all on page 5;

On page 6, by striking all in lines 1 through 3 and inserting the following:

“Sec. 9. (a) Upon request of the secretary of social and rehabilitation services, the secretary of wildlife and parks shall not allow any license, permit, stamp, tag or other issue of the department of wildlife and parks to be purchased by any applicant except as provided in this section. The secretary of social and rehabilitation services may make such a request by providing the secretary of wildlife and parks, on a quarterly basis, a listing of names and other information sufficient to allow the secretary of wildlife and parks to match applicants against the list with reasonable accuracy. The secretary of social and rehabilitation services may include an individual on the listing if, at the time the listing is compiled, the individual owes arrearages under a support order in a title IV-D case or has failed, after appropriate notice, to comply with an outstanding warrant or subpoena directed to the individual in a title IV-D case.

(b) If any applicant for a license, permit, stamp, tag or other issue of the department of wildlife and parks is not allowed to complete a purchase pursuant to this section, the vendor of the license, permit, stamp, tag or other issue of the department of wildlife and parks shall immediately deliver to the applicant a written notice, furnished by the state of Kansas, stating the basis for the action and how the applicant may dispute the action or request other relief.

(c) Immediately upon receiving a release executed by an authorized agent of the secretary of social and rehabilitation services, the secretary of wildlife and parks may allow the applicant to purchase any license, permit, stamp, tag or other issue of the department of wildlife and parks. The applicant shall have the burden of obtaining and delivering the release. The secretary of social and rehabilitation services may limit the duration of the release.

(d) Upon request the secretary of social and rehabilitation services shall issue a release if, as appropriate:

(1) The arrearages are paid in full or a tribunal of competent jurisdiction has determined that no arrearages are owed;

(2) an income withholding order in the case has been served upon the applicant's current employer or payor;

(3) an agreement has been completed or an order has been entered setting minimum payments to defray the arrearages, together with receipt of the first minimum payment; or

(4) the applicant has complied with the warrant or subpoena or the warrant or subpoena has been quashed or withdrawn.

(e) Individuals previously included in a quarterly listing may be omitted from any subsequent listing by the secretary of social and rehabilitation services. When a new listing takes effect, the secretary of wildlife and parks may allow any individual not included in the new listing to purchase any license, permit, stamp, tag or other issue of the department of wildlife and parks, whether or not the applicant had been included in a previous listing.

(f) Nothing in this section shall be construed to require or permit the secretary of wildlife and parks to determine any issue related to the title IV-D case, including questions of mistaken identity or the adequacy of any notice provided pursuant to this section. The secretary of social and rehabilitation services shall provide an opportunity for fair hearing pursuant to K.S.A. 75-3306, and amendments thereto, to any person who has been denied any license, permit, stamp, tag or other issue of the department of wildlife and parks pursuant to this section, provided that the person complies with the requirements of the secretary of social and rehabilitation services for requesting such fair hearing.

(g) The term “title IV-D” has the meaning ascribed thereto in K.S.A. 32-930, and amendments thereto.

(h) The secretary of social and rehabilitation services and the secretary of wildlife and parks may enter into an agreement for administering the provisions of this section.

(i) The secretary of social and rehabilitation services and the secretary of wildlife and parks may each adopt rules and regulations necessary to carry out the provisions of this section.

Sec. 10. (a) The head of the designated state medicaid agency shall authorize for each resident and each resident spouse of a nursing facility receiving long-term care in a medicaid approved institution to retain a certain amount of money a month in a personal needs fund. Subject to the provisions of this section, such amount shall be prescribed in rules and regulations adopted by the head of the designated state medicaid agency, except that the amount shall not be less than \$50 on and after July 1, 2006 through June 30, 2007, and on and after July 1, 2007, not less than \$60.

(b) The head of the designated state medicaid agency shall authorize for persons receiving long-term care in a medicaid approved institution who also receive supplemental security income payments of a certain amount of money per month to supplement such income. Subject to the provisions of this section, such amount shall be prescribed in rules and regulations adopted by the head of the designated state medicaid agency, except that the amount shall not be less than \$30.

(c) On or before July 1, 2007, and each year thereafter, the director of the budget shall certify to the head of the designated state medicaid agency the annual average increase in the chained consumer price index for all urban consumers for the preceding calendar year published by the United States department of labor and the head of the designated state medicaid agency may make adjustments for cost of living increases in the amount of moneys that can be retained in the personal needs funds pursuant to subsections (a) and (b) in an amount not to exceed such increase.

Sec. 11. Subject to the provisions of appropriations acts, the secretary of aging shall increase nursing facility reimbursement rates. For fiscal year 2007, the secretary of aging shall implement a base-year model of reimbursement for nursing facilities. For fiscal year 2007, the information from the 2003, 2004, and 2005 cost reports shall be averaged together to be used to calculate the base year. The base year utilized for cost information shall be reestablished at least once every seven years. The secretary of aging shall not apply the 85% rule regarding number of beds filled for nursing facilities with 60 licensed beds or less to determine nursing facility reimbursement rates.”;

And by renumbering the remaining section accordingly;

In the title, in line 14, by striking all after “concerning”; in line 15, by striking “parents;” and inserting “public assistance;”; by striking all in lines 16 and 17; in line 18, by striking all before the period and inserting “relating to personal needs allowance; concerning child support; nursing facility reimbursement rates”;

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

ARLEN SIEGFREID
DICK KELSEY
TOM BURROUGHS
Conferees on part of House

DWAYNE UMBARGER
JAY SCOTT EMLER
JIM BARONE
Conferees on part of Senate

Senator Umbarger moved the Senate adopt the Conference Committee Report on **SB 62**.

On roll call, the vote was: Yeas 36, Nays 0, Present and Passing 0, Absent or Not Voting 4.

Yeas: Allen, Apple, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Petersen, Pine, Pyle, Schmidt D, Schmidt V, Schodorf, Steiner, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Barnett, Palmer, Reitz, Wagle.
The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2968**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2968, with amendments by Senate Committee of the Whole, as follows:

On page 1, in line 20, by striking "and June 30, 2009" and inserting ", June 30, 2009, June 30, 2010, and June 30, 2011";

On page 2, by striking all in lines 14 through 43;

On page 3, by striking all in lines 1 through 13 and inserting the following to read as follows:

"(b) In addition to the other purposes for which expenditures may be made by the legislature from the moneys appropriated from the state general fund or from the legislative special revenue fund for fiscal year 2007 as authorized by section 60 of 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the legislature from moneys appropriated from the state general fund or from the legislative special revenue fund for fiscal year 2007 to provide for meetings of a special committee on children's issues composed of senators and representatives appointed by the legislative coordinating council who are members of the joint committee on children's issues, except that no representative shall be required to be a member of the house committee on insurance or the house committee on appropriations to be a member of the special committee on children's issues: *Provided*, That the special committee on children's issues shall be assigned by the legislative coordinating council to oversee the implementation and operation of the children's health insurance plans created under the provisions of K.S.A. 38-2001 through 38-2010 and amendments thereto, including the assessment of the performance based contracting's measurable outcomes as set forth in subsection (b)(4) of K.S.A. 38-2001 and amendments thereto, and other children's issues as the special committee deems necessary and such other matters as may be assigned by the legislative coordinating council.";

On page 4, following line 18, by inserting the following to read as follows:

"(d) In addition to the other purposes for which expenditures may be made by the legislature from the moneys appropriated from the state general fund or from the legislative special revenue fund for fiscal year 2007 as authorized by section 60 of 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, notwithstanding any of the provisions of section 60 of 2006 Senate Bill No. 480, expenditures may be made by the legislature from moneys appropriated from the operations (including official hospitality) account of the state general fund or from the legislative special revenue fund for fiscal year 2007 for each meeting of the compensation commission established by K.S.A. 46-3101 and amendments thereto during fiscal year 2007.";

On page 6, by striking all in lines 13 through 30 and inserting the following to read as follows:

"(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Judicial performance fund

For the fiscal year ending June 30, 2007..... No limit
Provided, That, if 2006 Senate Bill No. 337 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the appropriation of all moneys now or hereafter lawfully credited to and available in such fund is hereby lapsed.

(b) On July 1, 2006, the position limitation established for the fiscal year ending June 30, 2007, by section 125(a) of 2006 Senate Bill No. 480 for the judicial council is hereby increased from 4.00 to 7.00: *Provided*, That, if 2006 Senate Bill No. 337 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the

position limitation established for the fiscal year ending June 30, 2007, by this subsection is hereby decreased from 7.00 to 4.00.”;

Also on page 6, by striking all in lines 33 through 43;

On page 7, by striking all in lines 1 through 18 and inserting the following:

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

New sheep and swine barn construction

For the fiscal year ending June 30, 2007..... \$2,375,727”;

Also on page 7, by striking all in lines 23 and 24 and inserting the following to read as follows:

“Internet training education for Kansas kids

For the fiscal year ending June 30, 2007..... \$175,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2006, in the young Kansans — safe kids program account is hereby reappropriated to the internet training education for Kansas kids account for fiscal year 2007.

Abuse, neglect and exploitation unit

For the fiscal year ending June 30, 2006..... \$122,000

Provided, That expenditures may be made by the attorney general from the abuse, neglect and exploitation account of the state general fund to contract with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect, or exploitation.

Abuse, neglect and exploitation unit

For the fiscal year ending June 30, 2007..... \$228,000

Provided, That expenditures may be made by the attorney general from the abuse, neglect and exploitation account of the state general fund to contract with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect, or exploitation: *Provided further*, That expenditures shall be made by the attorney general from the abuse, neglect and exploitation account of the state general fund to employ an inspector general who shall be an attorney in the classified service under the Kansas civil service act who shall be authorized to oversee, audit, investigate, and provide a performance review of the administration of the state medicaid program, mediKan program, and the state children’s health insurance program: *Provided, however*, That no expenditures shall be made from this account for compensation, or associated employer contributions, for such inspector general for any payroll period commencing before December 17, 2006: *And provided further*, That any unencumbered balance in excess of \$100 as of June 30, 2006, in the abuse, neglect and exploitation unit account is hereby reappropriated for fiscal year 2007.”;

Also on page 7, in line 25, by striking “July 1, 2006” and inserting “the effective date of this act”; in line 26, by striking all after “June 30,” and inserting “2006, by section 147(a) of chapter 174 of the 2005 Session Laws of Kansas”; in line 27, by striking “97.50” and inserting “96.00”;

On page 8, by striking all in lines 31 and 32; preceding line 33, by inserting the following to read as follows:

“General state aid

For the fiscal year ending June 30, 2006..... \$3,800,000

Challenger learning center in Wellington grant

For the fiscal year ending June 30, 2007..... \$300,000

Provided, That any teacher employed by a school district in Kansas who teaches in the areas of math or science may submit an application for a scholarship to Challenger learning center in Wellington, Kansas: *Provided further*, That such scholarship shall be in an amount to be determined by the Challenger learning center for the purpose of paying the costs of obtaining training at the Challenger learning center: *And provided further*, That the application shall be prepared in such form and manner as required by the Challenger learning center and shall be submitted at a time to be determined and specified by the Challenger learning center: *And provided further*, That the Challenger learning center shall establish standards and criteria for reviewing, evaluating and approving applications for scholarships: *And provided further*, That all scholarships shall be awarded by the Challenger learning center in

accordance with the standards and criteria established by the Challenger learning center and that the Challenger learning center shall determine the amount of scholarships and shall be responsible for payment thereof: *And provided further*, That expenditures shall be made from the Challenger learning center in Wellington grant account only if non-state funding sources are available to match such state grants on the basis of \$1 from non-state sources to match \$1 from the state grant for each such scholarship.

Parent education program

For the fiscal year ending June 30, 2007..... \$2,500,000

Special education services aid

For the fiscal year ending June 30, 2007..... \$1,225,000”;

Also on page 8, in line 36, by striking “\$30,679,133” and inserting “\$25,375,088”;

On page 9, following line 1, by inserting the following to read as follows:

“(e) On the effective date of this act, of the \$5,304,045 appropriated for the above agency for the fiscal year ending June 30, 2006, by section 113(c) of chapter 174 of the 2005 Session Laws of Kansas from the children’s initiatives fund in the general state aid four-year-old at-risk account, the sum of \$3,800,000 is hereby lapsed.

(f) (1) On July 1, 2006, the \$2,500,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 92(c) of 2006 Senate Bill No. 480 from the children’s initiatives fund in the parent education program account, is hereby lapsed.

(2) On July 1, 2006, the director of accounts and reports shall transfer the amount equal to any unencumbered balance in excess of \$100 as of June 30, 2006, in the parent education program account of the children’s initiatives fund from the children’s initiatives fund to the state general fund and the amount equal to the amount transferred pursuant to this subsection (f)(2) is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, in the parent education program account of the state general fund.

(g) (1) On July 1, 2006, the \$5,304,045 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 92(c) of 2006 Senate Bill No. 480 from the children’s initiatives fund in the general state aid four-year-old at-risk account, is hereby lapsed.

(2) On July 1, 2006, the director of accounts and reports shall transfer the amount equal to any unencumbered balance in excess of \$100 as of June 30, 2006, in the general state aid four-year-old at-risk account of the children’s initiatives fund from the children’s initiatives fund to the state general fund and the amount equal to the amount transferred pursuant to this subsection (g)(2) is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, in the general state aid account of the state general fund.

(h) (1) On July 1, 2006, the \$1,225,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 92(c) of 2006 Senate Bill No. 480 from the children’s initiatives fund in the special education services aid account, is hereby lapsed.

(2) On July 1, 2006, the director of accounts and reports shall transfer the amount equal to any unencumbered balance in excess of \$100 as of June 30, 2006, in the special education services aid account of the children’s initiatives fund from the children’s initiatives fund to the state general fund and the amount equal to the amount transferred pursuant to this subsection (h)(2) is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, in the special education services aid account of the state general fund.”;

Also on page 9, in line 7, by striking “\$4,479,425” and inserting “\$7,005,083”; in line 11, by striking “\$430,089” and inserting “\$943,768”; by striking all in lines 12 through 26 and inserting the following to read as follows:

“(c) During the fiscal year ending June 30, 2007, notwithstanding the provisions of K.S.A. 75-3120L, and amendments thereto, 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 the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, to pay any amount of salary or other compensation, or associated employer contributions to provide for any increase in salary or other compensation for any justice of the supreme court for fiscal year 2007 that is greater than a 2.0% increase in the salary or other

compensation for such justice of the supreme court for fiscal year 2006: *Provided*, That, during the fiscal year ending June 30, 2007, expenditures shall be made from moneys appropriated for the judicial branch from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, to pay the salary or other compensation, and associated employer contributions, for each justice of the supreme court for fiscal year 2007 that is equal to a 2.0% increase in the salary or other compensation paid to such justice of the supreme court for fiscal year 2006 otherwise in accordance with the provisions of K.S.A. 75-3120l, and amendments thereto: *Provided further*, That no provision of K.S.A. 75-3120f or 75-3120l, and amendments thereto, or any other statute, shall be deemed to provide or to otherwise authorize any increase in the monthly rate of salary or other compensation for any justice of the supreme court for fiscal year 2007 that is greater than a 2.0% increase in the salary or other compensation paid to such justice of the supreme court for fiscal year 2006: *And provided further*, That, during the fiscal year ending June 30, 2007, expenditures shall be made from moneys appropriated for the judicial branch from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, to pay the salary or other compensation, and associated employer contributions, for each judge of the court of appeals in accordance with the provisions of K.S.A. 75-3120h and 75-3120l, and amendments thereto, except, that no provision of K.S.A. 75-3120l, and amendments thereto, or any other statute, shall be deemed to provide or to otherwise authorize any increase in the monthly rate of salary or other compensation for any judge of the court of appeals for fiscal year 2007 that is greater than a 2.0% increase in any such salary or other compensation that is payable for fiscal year 2007 in accordance with the provisions of K.S.A. 75-3120h, as amended by 2006 House Substitute for Senate Bill No. 337: *And provided further*, That, during the fiscal year ending June 30, 2007, expenditures shall be made from moneys appropriated for the judicial branch from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, to pay the salary or other compensation, and associated employer contributions, for each judge of a district court for fiscal year 2007 in accordance with the provisions of K.S.A. 75-3120g and 75-3120k, as amended by 2006 House Substitute for Senate Bill No. 337: *Provided, however*, That, notwithstanding any provision of K.S.A. 75-3120l, and amendments thereto, or any other statute to the contrary, the provisions of K.S.A. 75-3120l, and amendments thereto, shall not be construed to provide any increase in salary or other compensation for any judge of a district court for fiscal year 2007 and no expenditures shall be made from any moneys appropriated for the judicial branch from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, to pay any amount of salary or other compensation, or associated employer contributions to provide for any increase in salary or other compensation for any judge of a district court for fiscal year 2007 in accordance with the provisions of K.S.A. 75-3120l, and amendments thereto: *And provided further*, That expenditures from moneys appropriated for the judicial branch from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, to pay the salary or other compensation, and associated employer contributions, for any justice of the supreme court, any judge of court of appeals or any judge of a district court for fiscal year 2007 are subject to appropriations available therefor: *And provided further*, That the provisions of section 12S(q)(10)(B) of 2006 Senate Bill No. 480 are hereby declared to be null and void and shall have no force and effect: *And provided further*, That, as used in this subsection, "judge of a district court" means any district judge designated as the chief judge of a district court, any other district judge and any district magistrate judge.";

Also on page 9, by striking all in line 36; in line 37, by striking all preceding "crisis" and inserting "Rape"; in line 38, by striking "\$525,000" and inserting "\$300,000"; in line 40, by striking "\$364,000" and inserting "\$705,000"; by striking all in lines 41 and 42;

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

“SIDS network grant

For the fiscal year ending June 30, 2007..... \$50,000

Provided, That expenditures shall be made by the department of health and environment from the SIDS network grant account for the SIDS network grant only upon certification by the secretary of health and environment to the director of accounts and reports that private moneys, or in kind services, or a combination of both, are available to match the expenditure of state moneys on the basis of \$1 of private moneys, or in kind services, or a combination of both, to \$1 of state moneys.

Domestic violence support training grant

For the fiscal year ending June 30, 2007..... \$225,000

Provided, That expenditures shall be made by the department of health and environment for domestic violence support training from the domestic violence support training grant account only upon certification by the secretary of health and environment to the director of accounts and reports that private moneys, or in kind services, or a combination of both, are available to match the expenditure of state moneys on the basis of \$1 of private moneys, or in kind services, or a combination of both, to \$1 of state moneys.

Pregnancy maintenance initiative grant

For the fiscal year ending June 30, 2007..... \$200,000

Provided, That expenditures shall be made by the department of health and environment from the pregnancy maintenance initiative grant account only upon certification by the secretary of health and environment to the director of accounts and reports that private moneys, or in kind services, or a combination of both, are available to match the expenditure of state moneys on the basis of \$1 of private moneys, or in kind services, or a combination of both, to \$1 of state moneys.

Newborn hearing aid loaner program

For the fiscal year ending June 30, 2007..... \$50,000”;

Also on page 10, by striking all in lines 13 through 16, and by inserting the following to read as follows:

“*Provided*, That expenditures shall be made by the department of health and environment for youth mentoring from the youth mentoring program account of the state general fund only upon certification by the secretary of health and environment to the director of accounts and reports that private moneys, or in kind services, or a combination of both, are available to match the expenditure of state moneys on the basis of \$1 of private moneys, or in kind services, or a combination of both, to \$1 of state moneys: *Provided further*, That no expenditures shall be made by the department of health and environment — division of health from the youth mentoring program account for any payments to unified school districts or other private or public schools: *And provided further*, That no expenditures shall be made by the department of health and environment — division of health from the youth mentoring program account for any grant to any program in any community unless such program is a youth mentoring program or for any grant that supplants existing funding for a youth mentoring program.”;

By relettering the remaining subsections accordingly;

Also on page 10, in line 35, following “only” by inserting “subsequent to review and recommendation by the legislative budget committee and only”;

On page 11, preceding line 6, by inserting the following to read as follows:

“(d) In addition to the other purposes for which expenditures may be made by the department of health and environment — division of health from the state general fund or any special revenue fund for fiscal year 2007 as authorized by section 86 of 2006 Senate Bill No. 480 or by this act or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the above agency to appoint an advisory committee to develop appropriate newborn screening guidelines and recommendations regarding any rule and regulation or statutory changes that would be required to implement the recommendations of the advisory committee: *Provided*, That the advisory committee shall report to the senate committee on ways and means and house committee on appropriations on or before January 1, 2007.

(e) On July 1, 2006, of the \$250,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 86(c) of 2006 Senate Bill No. 480 from the children's initiatives fund in the PKU/hemophilia account, the sum of \$42,000 is hereby lapsed.”;

Also on page 11, in line 29, by striking “\$149,040” and inserting “\$20,067”;

On page 12, in line 7, by striking “\$684,036” and inserting “\$533,349”; by striking all in lines 8 through 19 and inserting:

“Youth mentoring — background checks

For the fiscal year ending June 30, 2007..... \$100,000

Provided, That expenditures shall be made by the attorney general — Kansas bureau of investigation from the youth mentoring — background checks account for record checks for individuals applying to participate as a mentor in a mentoring program only upon certification by the director of the Kansas bureau of investigation to the director of accounts and reports that private moneys are available to match the expenditure of state moneys from this account on the basis of \$1 of private moneys to \$1 of state moneys.”;

By relettering the remaining subsections accordingly;

Also on page 12, preceding line 29, by inserting the following to read as follows:

“(d) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, for the capital improvement project or projects specified as follows: IMA building purchase and Great Bend laboratory renovation

For the fiscal year ending June 30, 2007..... \$2,354,475

Provided, That all expenditures from the IMA building purchase and Great Bend laboratory renovation account shall be for capital improvement projects for acquisition of the IMA building; for laboratory renovations, security, and communications at the Headquarters and IMA building; and to finish the second floor of the Great Bend laboratory.

(e) In addition to the other purposes for which expenditures may be made by the attorney general — Kansas bureau of investigation from the operating expenditures account of the state general fund for fiscal year 2007, expenditures may be made by the attorney general — Kansas bureau of investigation from the operating expenditures account of the state general fund to provide funding for the automated fingerprint identification system 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, if federal funds for such system are not going to be received by the above agency during fiscal year 2007: *Provided, however*, That expenditures by the above agency from the operating expenditures account of the state general fund for such purpose during fiscal year 2007 shall not exceed \$752,070.

(f) Notwithstanding the provisions of section 151(b) of 2006 Senate Bill No. 480, no expenditures shall be made by the attorney general — Kansas bureau of investigation from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2006 or 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 capital improvement projects for acquisition of the IMA Building and to finish the second floor of the Great Bend laboratory: *Provided*, That the approval of such capital improvement projects for the attorney general — Kansas bureau of investigation is specifically withdrawn for all purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto: *Provided further*, That the authorization for the issuance of bonds by the Kansas development finance authority for such capital improvement projects in accordance with that statute is specifically revoked and the Kansas development finance authority shall not issue bonds for such capital improvement projects under section 151(b) of 2006 Senate Bill No. 480: *And provided further*, That the provisions of section 151(b) of 2006 Senate Bill No. 480 are hereby declared to be null and void and shall have no force and effect.”;

Also on page 12, in line 35, by striking “\$161,822” and inserting “\$111,938”; in line 39, by striking “\$17,673,913” and inserting “\$17,422,134”;

On page 13, preceding line 5, by inserting the following to read as follows:

“(d) The director of accounts and reports shall not make the transfer of \$8,639,668 from the state highway fund of the department of transportation to the state general fund which was directed to be made on July 1, 2006, October 1, 2006, January 1, 2007, and April 1, 2007, by section 113(i) of 2006 Senate Bill No. 480 and, on July 1, 2006, the provisions of

section 113(i) of 2006 Senate Bill No. 480 are hereby declared to be null and void and shall have no force and effect.”;

Also on page 13, in line 12, by striking “\$26,728” and inserting “\$92,701”; preceding line 13, by inserting the following to read as follows:

“(b) On July 1, 2006, the position limitation established for the fiscal year ending June 30, 2007, by section 125(a) of 2006 Senate Bill No. 480 for the Kansas sentencing commission is hereby increased from 8.00 to 9.00.”;

Also on page 13, in line 21, by striking “\$4,000,000” and inserting “\$4,588,429”; in line 28, preceding the period, by inserting: “: *Provided, however,* That, after moneys have been expended or encumbered from the conservation easements account for the United States department of defense army compatible use buffer program, any unencumbered balance remaining in the conservation easements account may be expended for the United States department of agriculture natural resources conservation service farm and ranch lands protection program”; in line 43, by striking “2006” and inserting “2007”;

On page 14, preceding line 6, by inserting the following to read as follows:

“(d) On July 1, 2006, the amount of the unencumbered balance in the state water plan fund on June 30, 2006, is hereby appropriated for fiscal year 2007 to the conservation reserve enhancement program account of the state water plan fund of the state conservation commission: *Provided,* That the amount appropriated by this subsection for fiscal year 2007 from the state water plan fund in the conservation reserve enhancement program account of the state water plan fund of the state conservation commission shall not exceed \$411,571.”;

Also on page 14, by striking all in line 11; in line 12, by striking “\$147,160” and inserting “\$50,000”; by striking all in lines 13 through 22; in line 23, by striking “(e)” and inserting “(b)”; by striking all in lines 27 through 43;

On page 15, by striking all in lines 1 through 3 and inserting the following to read as follows:

“(c) (1) On the effective date of this act, the expenditure limitation established by section 50(a) of 2006 Senate Bill No. 480 on the water conservation projects fund is hereby increased from \$733,058 to \$745,036.

(2) During the fiscal year ending June 30, 2006, expenditures may be made from the water conservation projects fund for reimbursements provided pursuant to subsection (d) of K.S.A. 82a- 1803, and amendments thereto, to the following, within the expenditure limitation established by subsection (c)(1), subject to the expenditure limitations prescribed therefor:

Kearney County irrigation association	
For the fiscal year ending June 30, 2006.....	\$98,651
Southside Ditch association	
For the fiscal year ending June 30, 2006.....	\$44,100
Finney County water users association	
For the fiscal year ending June 30, 2006.....	\$50,285

Provided, That all expenditures from each such project account shall be within any expenditure limitation imposed on the water conservation projects fund for fiscal year 2006.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the water conservation projects fund for the fiscal years ending June 30, 2006, and June 30, 2007, as authorized by chapter 174 or chapter 206 of the 2005 Session Laws of Kansas, by 2006 Senate Bill No. 480, or by this or other appropriation act of the 2006 regular session of the legislature, expenditures may be made by the above agency from the water conservation projects fund for fiscal year 2006 and fiscal year 2007 for the purpose of feasibility studies for projects including: (1) Alternate delivery system around Lake McKinney, (2) capacity storage and control structures at Lake McKinney, (3) lining of the southside ditch, (4) alternate delivery system for the farmers ditch, (5) recharge projects, (6) Arkansas River channel restoration and maintenance, and (7) check dams and structures: *Provided,* That the aggregate of expenditures from the water conservation projects fund for these projects during the fiscal years ending on June 30, 2006, and June 30, 2007, shall not exceed \$552,000.

(e) (1) On July 1, 2006, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 121(b) of 2006 Senate Bill No. 480 on the water conservation projects fund is hereby increased from \$0 to \$3,152,000.

(2) In addition to the other purposes for which expenditures may be made by the above agency from the water conservation projects fund for the fiscal year ending June 30, 2007, as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures may be made by the above agency from the water conservation projects fund for fiscal year 2007 for the purpose of feasibility studies for projects specified in subsection (d) and for projects to reduce leakage by lining the southside ditch and developing an alternate southside canal water delivery system in the Arkansas River system upstream of Garden City: *Provided*, That expenditures from the water conservation projects fund for fiscal year 2007 for such projects to reduce leakage by lining the southside ditch and developing an alternate southside canal water delivery system in the Arkansas River system upstream of Garden City shall be in addition to expenditures for the projects specified in subsection (d): *Provided, however*, That the aggregate of expenditures from the water conservation projects fund for fiscal year 2007 for such projects to reduce leakage by lining the southside ditch and developing an alternate southside canal water delivery system in the Arkansas River system upstream of Garden City shall not exceed \$2,500,000.”;

Also on page 15, by striking all in lines 16 through 22, and inserting the following to read as follows:

“Nurse educator grant program
For the fiscal year ending June 30, 2007..... \$200,000

Provided, That the state board of regents is hereby authorized to make grants to qualified individuals from the nurse educator grant program account: *Provided further*, That such grants shall be awarded to Kansas residents who are registered nurses and enrolled in an accredited program leading to a master of science degree in nursing or a doctorate degree in nursing at a state educational institution or another institution of higher education located in Kansas: *And provided further*, That each grant to an individual enrolled at a state educational institution shall not exceed 70% of the cost of attendance for an individual enrolled at the state educational institution or, if the individual is enrolled at an institution other than a state educational institution, then the grant shall not exceed the lower of either 70% of the cost of attendance of the institution of higher education located in Kansas at which the individual is enrolled or the average cost of attendance at the state educational institutions: *And provided further*, That such grants shall be matched on the basis of \$2 from the nurse educator grant program account for \$1 from the state educational institution or the other institution of higher education located in Kansas: *And provided further*, That, as used in this proviso, “state educational institution” has the meaning ascribed thereto by K.S.A. 76-711 and amendments thereto.”;

Also on page 15, in line 24, by striking “\$1,800,000” and inserting “\$1,200,000”; in line 29, by striking all after “competitive”; in line 30, by striking all preceding “institution” and inserting “and shall be matched on the basis of \$1 from the nurse faculty and supplies grant program account for \$1 from the state educational”; in line 37, by striking all after “competitive”; in line 38, by striking all preceding “institution” and inserting “and shall be matched on the basis of \$2 from the nursing equipment and facility upgrade grant program account for \$1 from the state educational”; by striking all in lines 39 through 43;

On page 16, by striking all in lines 1 through 3; by striking all in lines 6 through 10 and inserting the following to read as follows:

Provided, That, if 2006 Senate Bill No. 2578 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the \$300,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by this section from the state general fund in the special education teacher scholarship program account is hereby lapsed.”;

Also on page 16, by striking all in lines 13 through 17 and inserting the following to read as follows:

Provided, That, if 2006 House Bill No. 2578 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the \$86,115 appropriated

for the above agency for the fiscal year ending June 30, 2007, by this section from the state general fund in the teacher education scholarship program account is hereby lapsed.”;

Also on page 16, preceding line 20, by inserting the following to read as follows:
“KAN-ED operating expenditures

For the fiscal year ending June 30, 2007..... \$2,000,000”;

Also on page 16, by striking all in lines 23 through 27; in line 28, by striking “(d)” and inserting “(c)”;

following line 40, by inserting the following to read as follows:
“(d) In addition to the other purposes for which expenditures may be made from the operations (including official hospitality) account of the state general fund or the legislative special revenue fund of the legislature for fiscal year 2007, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund or the legislative special revenue fund, for operating expenditures of a KAN—ED oversight committee, which shall consist of members appointed as follows: (1) One member of the house appropriations, education, health and human services and utility committees appointed by the speaker of the house of representatives; (2) one member of the senate ways and means, education, public health and welfare, commerce and utilities committees appointed by the president of the senate; and (3) a member of the joint committee on information technology appointed jointly by the speaker of the house of representatives and the president of the senate: *Provided*, That the minority party shall receive appointments in an amount of members not less than the proportional representation of the minority party to the majority party in each body: *Provided further*, That, as used in this subsection “committee” means the KAN-ED oversight committee: *And provided further*, That operating expenditures shall be incurred for the committee in accordance with the following:

(A) Members of the committee shall be paid compensation, subsistence allowances, mileage and other expenses as provided by K.S.A. 75-3223, and amendments thereto;

(B) the committee shall elect a chairperson and may elect such other officers as the committee deems necessary to carry out the functions of the committee;

(C) the committee shall meet on call of the chairperson;

(D) the committee may meet at any time or place in the state and may hold such public hearings as the committee determines necessary to carry out the functions of the committee;

(E) the committee shall study the original objectives and goals of KAN—ED and whether such objectives and goals have been accomplished;

(F) recommendations for statutory changes needed to make KAN—ED a more viable program, consolidation of KAN—ED with other state networks, the funding of KAN-ED, and the possible addition of other entities to the list of entities served by KAN—ED;

(G) on or before January 1, 2007, the committee shall submit a report addressing the matters specified by paragraphs (E) and (F) of this subsection;

(H) a quorum of the committee shall be six and all actions of the committee shall be taken by a majority of a quorum of the committee; and

(I) the staff of the legislative research department, the office of revisor of statutes, and the division of the legislative administrative services shall provide such assistance as may be required by the committee and to the extent authorized by the legislative coordinating council.”;

On page 17, by striking all in lines 10 through 13 and inserting the following to read as follows:

“*Provided*, That, if 2006 House Bill No. 3005 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the \$100,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by this section from the state general fund in the veterinary training program for rural Kansas account is hereby lapsed.”;

Also on page 17, following line 13, by inserting the following to read as follows:

“(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Deferred maintenance support fund	
For the fiscal year ending June 30, 2007.....	\$0
For the fiscal year ending June 30, 2008.....	No limit

Provided, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(d) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

Also on page 17, by striking all in lines 18 and 19 and inserting the following to read as follows:

“Midwest institute for comparative stem cell biology
For the fiscal year ending June 30, 2007..... \$150,000”;

Also on page 17, following line 26, by inserting the following to read as follows:
“Deferred maintenance support fund

For the fiscal year ending June 30, 2007..... \$0
For the fiscal year ending June 30, 2008..... No limit

Provided, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(d) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

Also on page 17, in line 27, by striking “(c)” and inserting “(e)”;

On page 18, by striking all in lines 16 through 19; in line 20, by striking “(b)” and inserting “(a)”;

following line 27, by inserting the following to read as follows: “Deferred maintenance support fund

For the fiscal year ending June 30, 2007.....	\$0
For the fiscal year ending June 30, 2008.....	No limit

Provided, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

Also on page 18, by striking all in lines 32 and 33 and inserting the following to read as follows:

“Umbilical cord matrix project
 For the fiscal year ending June 30, 2007..... \$150,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Deferred maintenance support fund
 For the fiscal year ending June 30, 2007..... \$0
 For the fiscal year ending June 30, 2008..... No limit

Provided, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(d) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

Also on page 18, by striking all in lines 36 through 39 and inserting the following to read as follows:

“(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Deferred maintenance support fund
 For the fiscal year ending June 30, 2007..... \$0
 For the fiscal year ending June 30, 2008..... No limit

Provided, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency

during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

Also on page 18, by striking all in lines 42 and 43;

On page 19, by striking all in lines 1 and 2 and inserting the following to read as follows:

“(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Deferred maintenance support fund

For the fiscal year ending June 30, 2007..... \$0

For the fiscal year ending June 30, 2008..... No limit

Provided, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

Also on page 19, by striking all in lines 5 through 8 and inserting the following to read as follows:

“(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Deferred maintenance support fund

For the fiscal year ending June 30, 2007..... \$0

For the fiscal year ending June 30, 2008..... No limit

Provided, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

Also on page 19, by striking all in lines 11 through 14 and inserting the following to read as follows:

“(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Deferred maintenance support fund	
For the fiscal year ending June 30, 2007.....	\$0
For the fiscal year ending June 30, 2008.....	No limit

Provided, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 31.

KANSAS STATE UNIVERSITY — EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Deferred maintenance support fund	
For the fiscal year ending June 30, 2007.....	\$0
For the fiscal year ending June 30, 2008.....	No limit

Provided, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the

deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the restricted fees fund of the above agency.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall, on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(1) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

And by renumbering the remaining sections accordingly;

Also on page 19, preceding line 34, by inserting the following material to read as follows: “Parental modeling program grant

For the fiscal year ending June 30, 2007..... \$750,000

Provided, That all expenditures from the parental modeling program grant account by the juvenile justice authority shall be to develop parental modeling programs with the goal of maintaining families: *Provided further*, That such expenditures shall be used only for programs which are contained in the office of juvenile justice and delinquency prevention model programs guide and which meet federal qualifications and requirements to be eligible to receive medicaid reimbursement for services to medicaid eligible participants.”;

On page 20, by striking all in lines 15 and 16 and inserting the following to read as following:

“Kansas health policy authority operating expenditures

For the fiscal year ending June 30, 2007..... \$1,573,763”;

Also on page 20, in line 18, by striking “\$8,006,600” and inserting “\$3,463,794”; by striking all in lines 19 through 43;

On page 21, by striking all in lines 1 through 4; in line 5, by striking “(d)” and inserting “(b)”;

in line 20, by striking “\$60” and inserting “\$50”; in line 28, by striking “\$30” and inserting “\$20”; preceding line 29, by inserting the following to read as follows:

“(c) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from the state general fund or any special revenue fund for fiscal year 2007 as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the above agency to study rebates for the state pharmaceutical purchasing plan, including the possibility of increasing rebates for generic products, in light of the consolidation of state purchasing under the Kansas health policy authority: *Provided*, That the Kansas health policy authority shall conduct a survey of Kansas retail community pharmacies or utilize a recently conducted national survey of a statistically relevant sample of pharmacies, to determine the cost of dispensing pharmaceutical products and services within the Kansas medicaid program: *Provided further*, That such study shall be conducted on or before September 30, 2006: *And provided further*, That the Kansas health policy authority shall present the cost of dispensing survey, analysis and recommendations of the Kansas health policy authority to the joint committee on health policy oversight on or before November 30, 2006.

(d) On July 1, 2006, the \$500,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 89(a) of 2006 Senate Bill No. 480 from the state general fund in the business health partnership account, is hereby lapsed.

(e) On July 1, 2006, the expenditure limitation established by section 89(b) of 2006 Senate Bill No. 480 on the medical programs fee fund is hereby increased from \$67,789,636 to \$88,489,636.

(f) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 for the Kansas health policy authority as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or any special revenue fund for fiscal year 2007 to enter into a three-year contract for a pilot project for efficient and effective medicaid estate recovery services with a provider who is qualified and experienced in the area of medicaid estate recovery for state government and who is currently involved in medicaid estate recovery or medicaid third-party liability recoveries for Kansas: *Provided*, That, reimbursement for such contract shall be on a contingent fee basis: *Provided further*, That the Kansas health policy authority shall report to the legislature prior to February 1 of each year during such pilot project on the results of the medicaid estate recovery pilot project and the distribution of medicaid estate recovery collections by county.

(g) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 for the Kansas health policy authority as authorized by chapter 174 or chapter 206 of the 2005 Session Laws of Kansas, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas health policy authority for fiscal year 2007 from the moneys appropriated from the state general fund or any special revenue fund during the period beginning July 1, 2006, and ending March 1, 2007, to continue MediKan eligibility for those new applicants and current recipients during such period that are found not to meet the criteria established for the presumptive disability determination process established by the Kansas health policy authority, but who otherwise meet the general assistance eligibility criteria: *Provided*, That, in addition to the other positions within the Kansas health policy authority in the unclassified service as prescribed by law, expenditures shall be made from the operating expenditures account of the state general fund for two employees in the unclassified service to implement the provisions of this subsection.

(h) During the fiscal year ending June 30, 2007, notwithstanding the provisions of section 89(g) of 2006 Senate Bill No. 480 or any other statute, expenditures may 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 as authorized 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, whether or not such prescription drug coverage allows such persons and their dependents to purchase a supply of prescription drugs during calendar year 2007 from local pharmacies at an equal or lesser cost to the consumer than the cost to purchase an equal supply of such prescription drugs through the mail-order pharmacy program of the state health care benefits program for the same period for which a supply of such drugs is available under the consumer's selected plan under the state health care benefits program: *Provided*, That the provisions of section 89(g) of 2006 Senate Bill No. 480 are hereby declared to be null and void and shall have no force and effect.

(i) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2006 or fiscal year 2007 for the Kansas health policy authority as authorized by chapter 174 or chapter 206 of the 2005 Session Laws of Kansas, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas health policy authority for fiscal year 2006 or for fiscal year 2007, or both such fiscal years, from the moneys appropriated from the state general fund or any special revenue fund to conduct a review and study of the issues relating to specialty hospitals and a review and study of the Kansas hospital licensure laws and to prepare and adopt recommendations concerning these issues and, in particular, appropriate definitions for "general hospital," "special hospital" and "specialty hospital" so

that the definitions under the Kansas hospital licensure laws properly define specific categories of hospitals for licensure as necessary to reflect current medical facilities: *Provided*, That the Kansas health policy authority shall complete such review and study of such matters and adopt recommendations thereon prior to March 1, 2007, and shall submit a report on all such matters to the legislature during the 2007 regular session.

(j) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 for the Kansas health policy authority as authorized by chapter 174 or 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 Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007, to provide a report to the joint committee on health policy oversight prior to March 1, 2007, regarding the status of the title XIX and title XXI dental programs: *Provided*, That the Kansas health policy authority shall make recommendations for the long-term policy direction for the title XIX and title XXI dental programs regarding whether these programs will be administered as managed care or as fee-for-service programs.

(k) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 to prepare a report to the 2007 legislature to be presented on or before the first day of the 2007 regular session of the legislature to the house committee on appropriations and the senate committee on ways and means regarding the implementation of presumptive eligibility for the title XIX and XXI programs: *Provided*, That the report shall include a detailed description of the plan for the implementation at both the state and provider level, as well as the anticipated number of children served and the cost of providing services under this program: *Provided further*, That no expenditures shall be made to implement the program prior to April 1, 2007.

(l) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 for the Kansas health policy authority as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007, to study (1) the implementation of a requirement that each medicaid consumer present a Kansas current resident driver's license, state-issued identification card or a federally-issued passport at the time such consumer receives medicaid services, (2) the development of rules and regulations to address the need for third parties to access services for consumers under the state medicaid plan, (3) the development of hardship criteria and a process for paying for a driver's license or state-issued identification card for hardship-qualifying medicaid consumers with state funds that are matched at the highest allowable federal rate, and (4) the feasibility of implementing a plastic card with photo identification to access benefits under the state medicaid plan: *Provided*, That the Kansas health policy authority shall report the results of such study to the legislature on or before January 1, 2007.

(m) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 for the Kansas health policy authority as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007, to study the Massachusetts commonwealth health insurance connector program and provide a report to the legislature on or before February 1, 2007, on the feasibility of implementing a similar plan in Kansas.

(n) On July 1, 2006, the amount equal to the unencumbered balance on June 30, 2006, in the Kansas legal services contract for disability determination advocacy account of the

state general fund of the department of social and rehabilitation services is hereby appropriated for fiscal year 2007 from the state general fund for the Kansas health policy authority in the Kansas health policy authority operating expenditures account.

(o) No moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or any other appropriation act of the 2006 regular session of the legislature shall be expended under the state health care benefits program, K.S.A. 75-6501 *et seq.*, and amendments thereto, to provide health insurance coverage for any medical procedure which is intended to result in the termination of a pregnancy other than by live birth, except in a case of (1) termination of a tubal pregnancy, (2) termination of a pregnancy where the life of the mother would be endangered if the fetus were carried to term, or (3) termination of a pregnancy resulting from rape or incest prior to the eighth week of pregnancy.”;

Also on page 21, by striking all in lines 31 through 34; in line 35, by striking “(b)” and inserting “(a)”; preceding line 40, by inserting the following to read as follows:

“(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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 affordable airfare fund

For the fiscal year ending June 30, 2007..... \$5,000,000

(c) (1) On July 1, 2006, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state highway fund of the department of transportation to the state affordable airfare fund of the department of commerce: *Provided*, That, in addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2007 and, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers may be made from the state highway fund during fiscal year 2007 to the state affordable airfare fund of the department of commerce.

(2) On or after July 1, 2007, the secretary of commerce shall certify to the director of the budget and to the director of accounts and reports a report of the activities of the regional economic area partnership (REAP) and the progress attained by REAP during fiscal year 2007 to develop and implement the program to provide more air flight options, more competition for air travel and affordable air fares for Kansas, including a regional airport in western Kansas. At the same time as such certification is transmitted to the director of accounts and reports and the director of the budget, the secretary of commerce shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of such certification from the secretary of commerce, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state highway fund of the department of transportation to the state affordable airfare fund of the department of commerce: *Provided*, That, in addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2008 and, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers may be made from the state highway fund during fiscal year 2008 to the state affordable airfare fund of the department of commerce.

(3) On or after July 1, 2008, the secretary of commerce shall certify to the director of the budget and to the director of accounts and reports a report of the activities of the regional economic area partnership (REAP) and the progress attained by REAP during fiscal year 2008 to develop and implement the program to provide more air flight options, more competition for air travel and affordable air fares for Kansas, including a regional airport in western Kansas. At the same time as such certification is transmitted to the director of accounts and reports and the director of the budget, the secretary of commerce shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of such certification from the secretary of commerce, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state highway fund of the department of transportation to the state affordable airfare fund of the department of commerce: *Provided*, That, in addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2009 and, notwith-

standing the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers may be made from the state highway fund during fiscal year 2009 to the state affordable airfare fund of the department of commerce.

(4) On or after July 1, 2009, the secretary of commerce shall certify to the director of the budget and to the director of accounts and reports a report of the activities of the regional economic area partnership (REAP) and the progress attained by REAP during fiscal year 2009 to develop and implement the program to provide more air flight options, more competition for air travel and affordable air fares for Kansas, including a regional airport in western Kansas. At the same time as such certification is transmitted to the director of accounts and reports and the director of the budget, the secretary of commerce shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of such certification from the secretary of commerce, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state highway fund of the department of transportation to the state affordable airfare fund of the department of commerce: *Provided*, That, in addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2010 and, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers may be made from the state highway fund during fiscal year 2010 to the state affordable airfare fund of the department of commerce.

(5) On or after July 1, 2010, the secretary of commerce shall certify to the director of the budget and to the director of accounts and reports a report of the activities of the regional economic area partnership (REAP) and the progress attained by REAP during fiscal year 2010 to develop and implement the program to provide more air flight options, more competition for air travel and affordable air fares for Kansas, including a regional airport in western Kansas. At the same time as such certification is transmitted to the director of accounts and reports and the director of the budget, the secretary of commerce shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of such certification from the secretary of commerce, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state highway fund of the department of transportation to the state affordable airfare fund of the department of commerce: *Provided*, That, in addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2011 and, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers may be made from the state highway fund during fiscal year 2011 to the state affordable airfare fund of the department of commerce.”;

On page 22, preceding line 27, by inserting the following to read as follows:
“*Provided*, That, of the moneys appropriated in the community based services account for fiscal year 2007 by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, which are related to the home and community based services for persons with physical disabilities waiver, the secretary of social and rehabilitation services shall determine the portion of such funding to be used for reducing the waiting list for such waiver and the portion of such funding to be used for increasing compensation for persons caring for individuals receiving services under such waiver: *Provided further*, That the department of social and rehabilitation services shall report the decision regarding this issue to the legislative budget committee on or before August 31, 2006.”;

Also on page 22, in line 31, by striking “\$569,351” and inserting “\$477,351”; preceding line 32, by inserting the following to read as follows:
“Cash assistance

For the fiscal year ending June 30, 2007..... \$400,000
Provided, That expenditures shall be made by the department of social and rehabilitation services from the cash assistance account to study and prepare recommendations for a long-term plan for the provision of Level V and Level VI services: *Provided further*, That the department of social and rehabilitation services shall report such recommendations to the house committee on appropriations and the senate committee on ways and means during the 2007 regular session of the legislature on or before January 31, 2007.”;

Also on page 22, by striking all in lines 34 and 35 and inserting the following to read as follows:

“For the fiscal year ending June 30, 2007 \$500,000
Provided, That, of the moneys appropriated from the state general fund for the department of social and rehabilitation services for fiscal year 2007 in the youth services aid and assistance account by 2006 Senate Bill No. 480 or by this or another appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services for fiscal year 2007 to develop parental modeling programs with the goal of maintaining families: *Provided further*, That such expenditures shall be used only for programs which meet federal qualifications and requirements to be eligible to receive medicaid reimbursement for services to medicaid eligible participants.”;

Also on page 22, by striking all in line 37; in line 38, by striking “\$680,118” and inserting “\$296,828”;

On page 23, by striking all in lines 1 through 4 and inserting the following to read as follows:

“Kansas legal services contract for disability determination advocacy
 For the fiscal year ending June 30, 2006..... \$150,000

Provided, That, on July 1, 2006, any unencumbered balance in the Kansas legal services contract for disability determination advocacy account of the state general fund of the department of social and rehabilitation services is hereby lapsed.

(b) On the effective date of this act, of the \$2,243,622 appropriated for the above agency for the fiscal year ending June 30, 2006, by section 9(a) of chapter 206 of the 2005 Session Laws of Kansas from the state general fund in the Larned state hospital — operating expenditures account, the sum of \$116,148 is hereby lapsed.”;

Also on page 23, in line 8, by striking “3848.12 to 3655.11” and inserting “3,848.12 to 3,655.11”; in line 21, by striking “972.20” and inserting “966.20”; by striking all in lines 22 through 43;

On page 24, by striking all in lines 1 through 20;

On page 25, following line 6, by inserting the following to read as follows:

“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 2006 regular session of the legislature, if 2006 House Bill No. 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.”;

Also on page 25, in line 20, by striking all after “from”; in line 21, by striking all before the period and inserting “3,107.70 to 3,108.70”; in line 27, by striking “\$10,009” and inserting “\$40,344”; preceding line 28, by inserting the following to read as follows:

“*Provided*, That, if 2006 Senate Bill No. 337 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, of the \$40,344 appropriated for the above agency for the fiscal year ending June 30, 2007, by this section from the state general fund in the parole from adult correctional institutions account, the sum of \$30,335 is hereby lapsed.”;

Also on page 25, in line 39, by striking “\$1,000” and inserting “\$46,000”; preceding line 40, by inserting the following to read as follows:

“(b) In addition to the other purposes for which expenditures may be made by the Kansas human rights commission from the operating expenditures account of the state general fund for fiscal year 2007 as authorized by section 73(a) of 2006 Senate Bill No. 480, expenditures shall be made by the above agency from the operating expenditures account of the state general fund for fiscal year 2007 for operating expenditures to implement 2006 House Bill

No. 2582: *Provided*, That expenditures for such purpose from the operating expenditures account of the state general fund for fiscal year 2007 shall not exceed \$1,000.”;

On page 26, by striking all in lines 3 through 7 and inserting the following to read as follows:

“*Provided*, That, if 2006 Senate Bill No. 332 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the \$50,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by this subsection from the state general fund in the operating expenditures account is hereby lapsed.”;

Also on page 26, in line 13, after “continued” by inserting “in existence”; by striking all in line 43;

On page 27, by striking all in lines 1 through 5; preceding line 12, by inserting the following to read as follows:

“Legal services for prisoners

For the fiscal year ending June 30, 2007..... \$16,687”;

Also on page 27, in line 12, after “2007” by inserting a comma; in line 20, following “(a)” by inserting “(1)”; in line 23, by striking “\$12,241,251” and inserting “\$12,358,030”; preceding line 24, by inserting the following:

“(2) On July 1, 2006, if 2006 House Substitute for Senate Bill No. 337 is not passed by the legislature during the 2006 regular session and enacted into law, then the expenditure limitation on the workmen’s compensation fee fund established by subsection (a)(1) is hereby decreased from \$12,358,030 to \$12,228,176.”;

On page 28, in line 6, by striking “\$1,096,998” and inserting “\$632,248”; following line 12, by inserting the following to read as follows:

“*Provided*, That expenditures shall be made by the Kansas animal health department from the operating expenditures account of the state general fund to establish a feral swine monitoring and reporting system, which shall include collection of reports of feral swine by a toll-free telephone number, postcard, or electronic communication through the internet to the Kansas animal health department, and the Kansas animal health department shall maintain a database of information collected through such feral swine monitoring and reporting system, which shall also be made available to the Kansas pork industry to accomplish the goal of eradicating feral swine: *Provided further*, That the Kansas animal health department shall compile quarterly reports of the information collected through such feral swine monitoring and reporting system and shall make such information available to the public and the Kansas pork industry: *And provided further*, That the Kansas animal health department shall incorporate methods intended to control and eradicate feral swine, including, but not limited to, aerial hunting, trapping, snaring and the establishment of a bounty program.”;

Also on page 28, in line 18, by striking “\$11,630” and inserting “\$171,630”∞ line 21, by striking all following “fund”; by striking all in lines 22 through 27; in line 28, by striking all preceding the period; in line 32, by striking “\$38,691,821” and inserting “\$38,780,275: *Provided*, That, if 2006 Senate Bill No. 506 has not been passed by the legislature during the 2006 regular session of the legislature and enacted into law, then, on July 1, 2006, the expenditure limitation established for the fiscal year ending June 30, 2007, by this subsection on the division of vehicles operating fund is hereby decreased from \$38,780,275 to \$38,680,275”; in line 33, following “(d)” by inserting “(1)”; following line 39, by inserting the following to read as follows:

“(2) The secretary of revenue shall certify the amount expended, not to exceed \$100,000, on activities related to implementation of 2006 Senate Bill No. 506 to the director of accounts and reports on or before April 1, 2007. The director of accounts and reports shall reduce the amount of the transfer to be made on April 1, 2007, under subsection (d)(1) by the amount equal to the difference between \$100,000 and the amount certified by the secretary of revenue under this subsection (d)(2).”;

On page 29, in line 6, before “notwithstanding” by inserting a comma; in line 7, before “2006” by inserting “section 2 of”; in line 10, preceding the period, by inserting “: *Provided further*, That the aggregate of payments from the Kansas qualified biodiesel fuel producer incentive fund during the fiscal year ending June 30, 2007, shall not exceed \$437,500”; preceding line 11, by inserting the following to read as follows:

“(g) In addition to the other purposes for which expenditures may be made by the department of revenue from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2007, as authorized by section 78(a) of 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the department of revenue from the operating expenditures account of the state general fund for fiscal year 2007 to establish and maintain toll-free telephone lines for the purpose of providing assistance to taxpayers: *Provided*, That such telephone lines shall be adequately staffed and maintained by the department of revenue: *Provided, however*, That expenditures for this purpose may be limited by the secretary of revenue to specific instances where it appears the department of revenue staff made errors concerning taxpayer returns or other matters.

(h) In addition to the other purposes for which expenditures may be made by the department of revenue from moneys appropriated from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2007, as authorized by section 70(a) of 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the department of revenue from moneys appropriated from the operating expenditures account of the state general fund for fiscal year 2007 to prepare a report to the 2007 legislature to be presented on or before February 1, 2007, to the house committee on appropriations and the senate committee on ways and means regarding the expenditures to implement the provisions of 2006 Senate Bill No. 432: *Provided*, That the report shall include a detailed description of the amounts and types of expenditures made by the department of revenue to implement the provisions of 2006 Senate Bill No. 432.”;

Also on page 29, by striking all in lines 13 through 16; in line 17, by striking “(b)” and inserting “(a)”; in line 21, by striking “\$15,156,826” and inserting “\$15,283,326”; preceding line 22, by inserting the following to read as follows:

“(b) On July 1, 2006, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 74(e) of 2006 Senate Bill No. 480 on the public service regulation fund for expenses of the Kansas electric transmission authority is hereby increased from \$30,000 to \$70,000.”;

Also on page 29, in line 33, by striking “\$1,627,847” and inserting “\$1,000,000”; by striking all in lines 34 and 35 and inserting the following to read as follows:

“Programs grants — nutrition — state match	
For the fiscal year ending June 30, 2007.....	\$23,736
Program grants — rural nutrition — pilot program	
For the fiscal year ending June 30, 2007.....	\$25,000”;

Also on page 29, in line 40, by striking “\$4,188,528” and inserting “\$598,088”; by striking all in lines 41 through 43;

On page 30, by striking all in line 1, and inserting the following to read as follows:

“(c) In addition to the other purposes for which expenditures may be made by the above agency from moneys reappropriated in the LTC — medicaid assistance — NF account of the state general fund for fiscal year 2007 as authorized by section 88(a) of 2006 Senate Bill No. 480, by this act or by any other appropriation act of the 2006 regular session of the legislature, the secretary of aging shall make expenditures from the initial \$3,590,440 reappropriated from the LTC — medicaid assistance — NF account of the state general fund for fiscal year 2007 to increase nursing facility reimbursement rates: *Provided*, That, notwithstanding the provisions of section 88(a) of 2006 Senate Bill No. 480 or any other statute, the secretary of aging shall implement a base-year model of reimbursement for nursing facilities for state fiscal year 2007 in accordance with this subsection: *Provided further*, That information from the 2003, 2004, and 2005 cost reports shall be averaged together to be used to calculate the base year: *And provided further*, That the secretary of aging shall not apply the 85% rule regarding number of beds filled for nursing facilities with 60 licensed beds or less to determine nursing facility reimbursement rates.”;

Also on page 30, preceding line 18, by inserting the following to read as follows:

“*Provided*, That expenditures from the veterans claims assistance program — service grants account shall be made only for the purpose of awarding service grants to veterans service organizations for the purpose of aiding veterans in obtaining federal benefits: *Provided*

however, That no expenditures shall be made by the Kansas commission on veterans affairs from the veterans claim assistance program — service grants account for operating expenditures or overhead for administering the grants in accordance with the provisions of 2006 House Substitute for Senate Bill No. 396.”;

Also on page 30, in line 23, by striking “\$651,699” and inserting “\$554,000”; by striking all in lines 24 and 25;

On page 31, preceding line 13, by inserting the following to read as follows:

“(c) During the fiscal year ending June 30, 2007, notwithstanding the provisions of any statute or any rules and regulations to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2007 as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund for fiscal year 2007, for the secretary of administration to provide parking for state employees on state-owned parking lots located within the state capitol area, as defined by subsection (c) of K.S.A. 75-2240a and amendments thereto, without charge or cost to such employees for such parking; *Provided*, That this subsection shall not apply to parking garages or other parking structures in such state capitol area or to any state-owned parking lots for which revenues have been pledged to repay bonds issued for the construction of any of such parking garages, structures or lots; *Provided further*, That the secretary of administration shall continue to administer access to state-owned parking lots in the present manner, including use of hang tags and waiting lists for specific parking lots in order to ensure orderly parking; *And provided further*, That the secretary of administration shall make expenditures from moneys appropriated from the state buildings operating fund or any other special revenue funds for the purpose of maintaining the parking lots.”;

Also on page 31, preceding line 19, by inserting the following:

“(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Racing and gaming reserve fund

For the fiscal year ending June 30, 2007..... \$0

Provided, That moneys deposited in the racing and gaming reserve fund for the fiscal year 2007 shall be subject to the provisions in section 61: *Provided further*, That any unencumbered balance in the racing and gaming reserve fund in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(c) On July 1, 2006, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 80(a) of 2006 Senate Bill No. 480 on the state racing fund is hereby increased from \$2,446,877 to \$2,700,000.

(d) Notwithstanding the provisions of K.S.A. 74-8831 and amendments thereto or any other statute, the director of accounts and reports shall not make the transfer from the Kansas greyhound breeding development fund of the Kansas racing and gaming commission to the greyhound tourism fund of the department of commerce that is directed to be made on or before June 30, 2006, by subsection (b)(1) of K.S.A. 74-8831 and amendments thereto.

(e) On July 1, 2006, the director of accounts and reports shall not make the transfer from the state general fund to the tribal gaming fund of the above agency to be made on July 1, 2006, by section 80(b) of 2006 Senate Bill No. 480.

(f) On July 1, 2006, the director of accounts and reports shall transfer \$450,000 from the state general fund to the racing and gaming reserve fund of the above agency.

Sec. 61.

KANSAS RACING AND GAMING COMMISSION

(a) Notwithstanding the provisions of K.S.A. 74-8829, 74-8831 and 74-8838 and amendments thereto, or the provisions of any other statute, moneys in the horse fair racing benefit fund, the Kansas horse breeding development fund, and the Kansas greyhound breeding development fund may be transferred to the state racing fund for the purpose of supple-

menting the revenues during fiscal year 2006 and fiscal year 2007 as determined under provisions of subsections (b) and (c) of this section.

(b) During the fiscal year ending June 30, 2006, the director of the budget and the director of the legislative research department shall consult periodically and review the balance in and the estimated receipts to be credited to the state racing fund during fiscal year 2006 and, upon a finding by the director of the budget in consultation with the director of the legislative research department that the total of the unencumbered balance and estimated receipts to be credited to the state racing fund during fiscal year 2006 are insufficient to finance the budgeted expenditures for fiscal year 2006 in accordance with the provisions of appropriation acts, the director of the budget shall certify to the director of accounts and reports such finding and the amount or amounts of money to be transferred to the state racing fund pursuant to this subsection. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount or amounts of money as certified from the horse fair racing benefits fund, the Kansas horse breeding development fund, and the Kansas greyhound breeding development fund to the state racing fund that are required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures for fiscal year 2006 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(c) During the fiscal year ending June 30, 2007, the director of the budget and the director of the legislative research department shall consult periodically and review the balance in and the estimated receipts to be credited to the state racing fund during fiscal year 2007 and, upon a finding by the director of the budget in consultation with the director of the legislative research department that the total of the unencumbered balance and estimated receipts to be credited to the state racing fund during fiscal year 2007 is insufficient to finance the budgeted expenditures for fiscal year 2007 in accordance with the provisions of appropriation acts, the director of the budget shall certify to the director of accounts and reports such finding and the amount or amounts of money to be transferred to the state racing fund pursuant to this subsection. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount or amounts of money as certified from the horse fair racing benefits fund, the Kansas horse breeding development fund, and the Kansas greyhound breeding development fund to the state racing fund that are required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures for fiscal year 2007 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(d) During the fiscal year ending June 30, 2007, the director of the budget and the director of the legislative research department shall consult periodically and review the balance in and the estimated receipts to be credited to the state racing fund during fiscal year 2007 and, upon a finding by the director of the budget in consultation with the director of the legislative research department that the total of the unencumbered balance and estimated receipts to be credited to the state racing fund during fiscal year 2007 is insufficient to finance the budgeted expenditures for fiscal year 2007 in accordance with the provisions of appropriation acts, the director of the budget shall certify to the director of accounts and reports such finding and the amount or amounts of money to be transferred to the state racing fund pursuant to this subsection. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount or amounts of money as certified from the racing and gaming reserve fund to the state racing fund that are required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures for fiscal year 2007 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification. No transfer to the state racing fund made during fiscal year 2007 pursuant to this subsection shall be deemed to be a loan from the state general fund and no such transfer shall be subject to the provisions of K.S.A. 74-8826 and amendments thereto regarding repayment of loans to the state general fund.

(e) (1) During the fiscal year ending June 30, 2007, the director of the budget and the director of the legislative research department shall consult periodically and review the balance in and the estimated receipts to be credited to the tribal gaming fund during fiscal year 2007, and, upon a finding by the director of the budget in consultation with the director

of the legislative research department that the total of the unencumbered balance and estimated receipts to be credited to the tribal gaming fund during fiscal year 2007 is insufficient to finance the budgeted expenditures for fiscal year 2007 in accordance with the provisions of appropriation acts, the director of the budget shall certify to the director of accounts and reports such finding and the amount or amounts of money to be transferred to the tribal gaming fund pursuant to this subsection. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount or amounts of money as certified from the racing and gaming reserve fund to the tribal gaming fund that are required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures for fiscal year 2007 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(2) During the fiscal year ending June 30, 2007, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency from the tribal gaming fund to the racing and gaming reserve fund: *Provided*, That all such transfers shall be for the purpose of reimbursing the racing and gaming reserve fund for the amount equal to the net amount obtained by subtracting (A) the aggregate of any costs incurred by the state gaming agency during fiscal year 2007 for any arbitration or litigation in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, from (B) the aggregate of the amounts transferred to the tribal gaming fund of the Kansas racing and gaming commission pursuant to subsection (e)(1) during fiscal year 2007 for the operating expenditures for the state gaming agency and any other expenses incurred in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act.

(f) During the fiscal year ending June 30, 2007, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the Kansas racing and gaming commission from the racing and gaming reserve fund to the state general fund: *Provided*, That all such transfers shall be for the purpose of reimbursing the state general fund for the amounts reimbursed by the state gaming agency to the racing and gaming reserve fund under subsection (e)(2) less any amounts required for transfer during fiscal year 2007 under subsection (d).";

And by renumbering sections accordingly;

Also on page 31, by striking all in lines 25 through 42 and inserting the following to read as follows:

"(b) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, as authorized by 2006 Senate Bill No. 480, by this act or by any other appropriation act of the 2006 regular session of the legislature, the Kansas public employees retirement system may make expenditures from moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, to assist the joint committee on pensions, investments and benefits in conducting a study of the state's deferred compensation plan, its operation and administration, and its relationship to the defined benefit plans offered to state employees by the Kansas public employees retirement system: *Provided*, That the joint committee on pensions, investments and benefits shall conduct a study during the 2006 interim period, with the assistance of the Kansas public employees retirement system, of the state's deferred compensation plan and shall include in its report to the 2007 legislature any findings and recommendations regarding the state's deferred compensation plan.";

On page 32, in line 8, by striking "\$1,335,000" and inserting "\$2,135,000"; in line 9, by striking "\$1,250,000" and inserting "\$800,000"; following line 9, by inserting the following to read as follows:

"State parks capital improvement projects
For the fiscal year ending June 30, 2007..... \$1,900,000

Provided, That all proposed expenditures from the state parks capital improvement projects account for state parks capital improvement projects shall be reviewed by the joint committee on state building construction after the inclusion in the agency's five-year capital

improvement plan which shall be submitted to the joint committee for review after July 1, 2006: *Provided further*, That no expenditures shall be made from the state parks capital improvement projects account for capital outlay.

(b) On July 1, 2006, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 122(b) of 2006 Senate Bill No. 480 on the parks fee fund is hereby decreased from \$5,407,660 to \$4,607,660.”;

Also on page 32, in line 10, by striking “(b)” and inserting “(c)”; in line 19, by striking all following “at”; by striking all in lines 20 through 22; in line 23, by striking all preceding “for” and inserting “one-half price admissions for annual motor vehicle permits or motor vehicle daily permits for entrance to state parks listed in K.S.A. 32-837 and amendments thereto”; by striking all in lines 25 through 43;

On page 33, by striking all in lines 1 through 13; in line 14, by striking “(f)” and inserting “(d)” in line 18, by striking “(g)” and inserting “(e)”; by striking all in lines 21 through 35 and inserting:

“(f) 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 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, for pumping or transportation of groundwater to playa lake or other wetland properties of the department of wildlife and parks that are located within the region of the high plains aquifer: *Provided, however*, That the department of wildlife and parks may make expenditures from the department of wildlife and parks private gifts and donations fund of moneys received by the department of wildlife and parks from non- governmental sources for pumping or transportation of groundwater to playa lake or other wetland properties of the department of wildlife and parks that are located within the region of the high plains aquifer.

(g) During the fiscal year ending June 30, 2006, and the fiscal year ending June 30, 2007, notwithstanding the provisions of any other statute, rule and regulation, governor’s budget report, or executive directive to the contrary, the secretary of wildlife and parks shall make expenditures from the state general fund accounts and from any accounts of special revenue funds appropriated for the department of wildlife and parks during fiscal year 2006 and fiscal year 2007 to retain 25 motor vehicles previously scheduled for elimination by July 1, 2006, as part of the governor’s recommendation in the governor’s fiscal year 2007 budget report concerning fleet size and a proposed reduction of a total of 200 motor vehicles from state agencies by July 1, 2007.”;

Also on page 33, in line 37, by striking all following “fiscal”; by striking all in lines 38 and 39; in line 40, by striking “ations” and inserting “year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation”;

On page 34, in line 8, by striking “fiscal year 2006 and”; in line 14, by striking “fiscal year 2006 and”; preceding line 22, by inserting the following to read as follows:

“Sec. 65.

STATE BOARD OF TAX APPEALS

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

Operating expenditures
For the fiscal year ending June 30, 2007..... \$30,335

Provided, That, if 2006 House Substitute for Senate Bill No. 337 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the \$30,335 appropriated for the above agency for the fiscal year ending June 30, 2007, by this section from the state general fund in the operating expenditures account is hereby lapsed.

Sec. 66. (a) To pay the proportionate share of the cost to the Kansas highway patrol for the salary increases specified in section 128(q)(1) of 2006 Senate Bill No. 480, including associated employer contributions, for officers and employees of the Kansas highway patrol, 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 an amount or

amounts to be transferred on one or more dates during fiscal year 2007 from the state general fund to the Kansas highway patrol operations fund of the Kansas highway patrol for the purpose of financing the cost of such salary increases, including associated employer contributions, for the Kansas highway patrol: *Provided*, That upon such approval, the director of the budget shall certify the amount or amounts approved to be transferred for such purpose and the date or dates specified therefor: *Provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts certified from the state general fund to the Kansas highway patrol operations fund of the Kansas highway patrol in accordance with such certification.

(b) To pay the proportionate share of the cost to the department of revenue for the salary increases specified in section 128(q)(1) of 2006 Senate Bill No. 480, including associated employer contributions, for officers and employees of the department of revenue, 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 an amount or amounts to be transferred on one or more dates during fiscal year 2007 from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue for the purpose of financing the cost of such salary increases, including associated employer contributions, for the department of revenue: *Provided*, That upon such approval, the director of the budget shall certify the amount or amounts approved to be transferred for such purpose and the date or dates specified therefor: *Provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts certified from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue in accordance with such certification.

(c) To pay the proportionate share of the cost to the state fire marshal for the salary increases specified in section 128(q)(1) of 2006 Senate Bill No. 480, including associated employer contributions, for officers and employees of the hazardous materials program of the state fire marshal, 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 an amount or amounts to be transferred on one or more dates during fiscal year 2007 from the fire marshal fee fund of the state fire marshal to the hazardous materials program fund of the state fire marshal for the purpose of financing the cost of such salary increases, including associated employer contributions, for the state fire marshal: *Provided*, That upon such approval, the director of the budget shall certify the amount or amounts approved to be transferred for such purpose and the date or dates specified therefor: *Provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts certified from the fire marshal fee fund of the state fire marshal to the hazardous materials program fund of the state fire marshal in accordance with such certification.

Sec. 67. (a) During the fiscal year 2006 and fiscal year 2007, for each state agency named in section 79 of chapter 174 of the 2005 Session Laws of Kansas, in 2006 Senate Bill No. 480, in this act or in any other appropriation act of the 2006 regular session of the legislature, except as otherwise provided by this section, that has one or more sales of motor vehicles under the 12,000 pounds of gross vehicle weight rating, the director of accounts and reports shall transfer to the state general fund, upon certification of the director of the budget, from each special revenue fund account into which all or a portion of the sales proceeds have been deposited, the proceeds of all such sales, subject to the further limitations prescribed by this section on the type of moneys that may be transferred, in accordance with the certification by the director of the budget. The director of the budget shall transmit a copy of each such certification to the director of the legislative research department.

(b) The director of the budget shall administer this section in a manner to ensure that no net sales proceeds that are deposited in special revenue fund accounts are transferred to the state general fund if any federal law or regulation prohibits such transfer or, if the state

agency fee funds involved have restrictions on the lawful uses of the moneys collected under state law or rules and regulations that would prohibit such transfers.

(c) Nothing in this section shall require the transfer of money derived from the sale of any motor vehicles in accordance with K.S.A. 27-311 *et seq.*, and amendments thereto, K.S.A. 75-6601 *et seq.*, and amendments thereto, or subsection (f) of K.S.A. 75-3707 and amendments thereto, except that all moneys transferred to state agencies that was derived from surplus property sales of motor vehicles under K.S.A. 75-6601 *et seq.*, and amendments thereto, shall be subject to transfer to the state general fund under this section upon determination by the director of the budget and in accordance with procedures established under this section. Moneys from the sales of vehicles that are retained by the surplus property program to fund its operating expenditures shall not be subject to this section.

(d) The provisions of this section shall not apply to:

- (1) The health care stabilization fund of the health care stabilization fund board of governors;
- (2) any moneys held in trust in a trust fund or held in trust in any other special revenue fund of any state agency;
- (3) any account of the Kansas educational building fund or the state institutions building fund;
- (4) any special revenue fund of the Kansas highway patrol;
- (5) any special revenue fund of any state educational institution under the control and supervision of the state board of regents; or
- (6) any fund in the state treasury, as determined by the director of the budget, that would experience financial or administrative difficulties as a result of executing the provisions of this section, including, but not limited to, cash-flow problems, the inability to meet ordinary expenditure obligations, or any conflicts with prevailing contracts, compacts or other provisions of law.

Sec. 68. (a) On June 30, 2007, notwithstanding the provisions of K.S.A. 38-2101 or 38-2102, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount equal to the unencumbered balance in the children's initiatives fund, exclusive of any moneys attributable to any certificate of indebtedness issued pursuant to K.S.A. 75-3725a, and amendments thereto, from the children's initiatives fund to the children's initiatives reserve fund, which is hereby established in the state treasury: *Provided*, That the amount transferred to the children's initiatives reserve fund pursuant to this subsection shall be reserved for purposes to be prescribed by law: *Provided further*, That the state finance council shall have no authority to approve any transfer of moneys from the children's initiatives reserve fund, to authorize or approve any expenditure of moneys from the children's initiatives reserve fund, or to increase any expenditure limitation on the children's initiatives reserve fund: *And provided further*, That no expenditures shall be authorized or made from the children's initiatives reserve fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature.

(b) On July 1, 2007, the director of the budget shall certify to the director of accounts and reports the amount equal to 25% of the balance of moneys credited to the children's initiatives reserve fund on July 1, 2007, and shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the children's initiatives reserve fund to the children's initiatives fund: *Provided*, That the amount transferred from the children's initiatives reserve fund to the children's initiatives fund shall be available for appropriation or transfer for fiscal year 2008 and each fiscal year thereafter as provided by appropriation act of the legislature. (c) On July 1, 2008, the director of the budget shall certify to the director of accounts and reports the amount equal to one-third of the balance of moneys credited to the children's initiatives reserve fund on July 1, 2008, and shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the children's initiatives reserve fund to the children's initiatives fund: *Provided*, That the amount transferred from the children's initiatives reserve fund to the children's initiatives fund shall be available for appropriation or transfer

for fiscal year 2009 and each fiscal year thereafter as provided by appropriation act of the legislature.

(d) On July 1, 2009, the director of the budget shall certify to the director of accounts and reports the amount equal to 50% of the balance of moneys credited to the children's initiatives reserve fund on July 1, 2009, and shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the children's initiatives reserve fund to the children's initiatives fund: *Provided*, That the amount transferred from the children's initiatives reserve fund to the children's initiatives fund shall be available for appropriation or transfer for fiscal year 2010 and each fiscal year thereafter as provided by appropriation act of the legislature.

(e) On July 1, 2010, the director of the budget shall certify to the director of accounts and reports the amount equal to all of the remaining balance of moneys credited to the children's initiatives reserve fund on July 1, 2010, and shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the children's initiatives reserve fund to the children's initiatives fund: *Provided*, That the amount transferred from the children's initiatives reserve fund to the children's initiatives fund shall be available for appropriation or transfer for fiscal year 2011 and each fiscal year thereafter as provided by appropriation act of the legislature.

Sec. 69.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Children's initiatives reserve fund

For the fiscal year ending June 30, 2007..... \$0

Sec. 70. (a) On and after the effective date of this act, during the fiscal years ending June 30, 2006, June 30, 2007, and June 30, 2008, no expenditures shall be made from any moneys appropriated for the department of administration or any other state agency from the state general fund or any special revenue fund for fiscal year 2006, fiscal year 2007 or fiscal year 2008 by chapter 174 or 206 of the 2005 Session Laws of Kansas, by 2006 Senate Bill No. 480, or by this or other appropriation act of the 2006 regular session of the legislature for the purpose of permanently leveling the tiered floor on the chamber of the house of representatives in the Kansas statehouse: *Provided*, That no moneys appropriated from the state general fund or any special revenue fund by chapter 174 or 206 of the 2005 Session Laws of Kansas, by 2006 Senate Bill No. 480, or by this or other appropriation act of the 2006 regular session of the legislature for fiscal year 2006, fiscal year 2007 or fiscal year 2008 shall be expended by any state agency, as defined by K.S.A. 75-3701, and amendments thereto, for any purpose to permanently remove or otherwise permanently level the tiered floor in the chamber of the house of representatives.

(b) In addition to the other purposes for which expenditures may be made by the department of administration from the state general fund or any special revenue fund for fiscal year 2007 as authorized by 2006 Senate Bill No. 480 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 the state general fund or any special revenue fund for fiscal year 2007 to provide for such redesigning, planning and other matters as may be required under the relevant portion or portions of the capital improvement project for the preservation and restoration of the Kansas statehouse that relate to the chamber of the house of representatives to continue the tiered floor of the chamber of the house of representatives in existence.

Sec. 71. (a) During the fiscal years ending June 30, 2006, and June 30, 2007, expenditures shall be made from any moneys appropriated for the Kansas health policy authority, department of administration and the department of social and rehabilitation services from the state general fund or any special revenue fund for fiscal year 2006 or fiscal year 2007 by chapter 174 or 206 of the 2005 Session Laws of Kansas, by 2006 Senate Bill No. 480 or

by this or other appropriation act of the 2006 regular session of the legislature to prepare and submit amendments or waivers to the medicaid state plan to comply with federal requirements regarding the provision of mental health services by any willing, qualified provider: *Provided*, That any program established by such amendment or waiver shall require providers to associate with a community mental health center before being allowed to provide medicaid funded mental health services: *Provided further*, That all community mental health centers are directed to establish such agreements with additional willing providers to ensure that mental health services to children and youth are delivered appropriately: *And provided further*, That community mental health centers shall retain a portion of the medicaid payment, including federal and state shares, for services provided by an associated provider in an amount not to exceed the cost to the community mental health center for necessary administrative services: *And provided further*, That such costs shall not exceed 18% of the total medicaid payment, including federal and state shares.

Sec. 72.

SECRETARY OF STATE

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

Operating expenditures

For the fiscal year ending June 30, 2007..... \$80,064

(b) On July 1, 2006, the position limitation established for the fiscal year ending June 30, 2007, by section 125(a) of 2006 Senate Bill No. 480 for the secretary of state is hereby increased from 54.00 to 55.00.

Sec. 73. (a) Whereas, as was stated in the introduction to chapter three of the report of the President’s Council on Bioethics, Human Cloning and Human Dignity: An Ethical Inquiry, Washington, D.C., July 2002, pertaining to the importance of careful use of names, “Fruitful discussion of the ethical and policy issues raised by the prospects of human cloning — as with any other matter — can proceed only if we can find appropriate and agreed-upon terms for describing the processes and products involved. Before we can get to possible moral or policy arguments or disagreements, we need to agree about what to call that about which we are arguing. As a contribution to public understanding, we emphasize that this is not an easy thing to do, and we indicate how and why we have gone about making our terminological choices.”

(b) Therefore, in addition to the other purposes for which expenditures may be made by the legislature from moneys appropriated in the operations (including official hospitality) account of the state general fund of the legislature or in the legislative special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, the legislature shall make expenditures for a special committee to conduct an interim study on human cloning using the report of the President’s Council on Bioethics, Human Cloning and Human Dignity: An Ethical Inquiry, Washington, D.C., July 2002, as a foundation for terminology in discussing human cloning.

Sec. 74. No moneys appropriated from the state general fund or from any special revenue fund for the fiscal year ending June 30, 2007, by this act or any other appropriation act of the 2006 regular session of the legislature shall be expended to pay for the employment of or to contract for employment with any individual who is an undocumented, illegal alien.

Sec. 75. On July 1, 2006, K.S.A. 2005 Supp. 75-6702 is hereby amended to read as follows:

75-6702. (a) The last appropriation bill passed in any regular session of the legislature shall be the omnibus reconciliation spending limit bill. Each bill which is passed during a regular session of the legislature and which appropriates or transfers money from the state general fund for the ensuing fiscal year shall contain a provision that such bill shall take effect and be in force from and after the effective date of the omnibus reconciliation spending limit bill for that regular session of the legislature or from and after such effective date and a subsequent date or an event occurring after such effective date.

(b) Except as provided in subsection (c), the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2004 regular session of the legislature and each regular session of the legislature thereafter, is hereby fixed so that there will be an ending balance in the state general fund

for the ensuing fiscal year that is equal to 7% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year.

(c) The provisions of subsection (b) are hereby suspended for the fiscal year ending June 30, ~~2006~~ 2007, and shall not prescribe a maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the ~~2005~~ 2006 regular session of the legislature.

Sec. 76. On July 1, 2006, K.S.A. 2005 Supp. 75-6702 is hereby repealed.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 12, by striking all following “2008” and inserting “, June 30, 2009, June 30, 2010, and June 30, 2011.”; in line 16, before the period by inserting “amending K.S.A. 2005 Supp. 75-6702 and repealing the existing section”;

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

DWAYNE UMBARGER

JAY SCOTT EMLER

JIM BARONE

Conferees on part of Senate

MELVIN NEUFELD

BRENDA LANDWEHR

BILL FEUERBORN

Conferees on part of House

Senator Umbarger moved the Senate adopt the Conference Committee Report on **S Sub HB 2968**.

On roll call, a call of the Senate was requested by five senators.

The vote was: Yeas 24, Nays 12, Present and Passing 0, Absent or Not Voting 4.

Yeas: Allen, Betts, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Hensley, Journey, Kelly, Lee, McGinn, Morris, Ostmeyer, Pine, Schmidt V, Schodorf, Tad-diken, Teichman, Umbarger, Vratil, Wysong.

Nays: Apple, Barone, Brownlee, Haley, Huelskamp, Jordan, O'Connor, Petersen, Pyle, Schmidt D, Steineger, Wilson.

Absent or Not Voting: Barnett, Palmer, Reitz, Wagle.

The Conference Committee report was adopted.

On motion of President Morris the call of the Senate was lifted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **S Sub HB 2968**. Simply because of my concern for the future years budgets not for the specifics of this bill. There are many good provisions in this bill.

We cannot continue to spend and commit dollars in future years without being aware of the significant impact we face in those future years. We are not the Federal Government, we cannot mortgage our future, we must pay our bills as we go. We are not doing our work in this budget.—JIM BARONE

Senator Haley requests the record to show he concurs with the “Explanation of Vote” offered by Senator Barone on **S Sub HB 2968**.

REPORT ON ENROLLED BILLS

SR 1861 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 10, 2006.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title.

SENATE CONCURRENT RESOLUTION No. 1626—

By Senators Morris, D. Schmidt and Hensley

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2006 regular session of the legislature.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on May 10, 2006, and shall reconvene at 10:00 a.m. on May 25, 2006, at which time the legislature shall reconvene and shall continue in session until sine die adjournment at the close of business on May 25, 2006; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during such period of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A. 46-137a and amendments thereto for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the Legislative Coordinating Council or by the President of the Senate or the Speaker of the House of Representatives during the period of adjournment for which members are not authorized per diem compensation and subsistence allowances pursuant to K.S.A. 46-137a and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212 and amendments thereto.

On emergency motion of Senator D. Schmidt **SCR 1626** was adopted by voice vote.

On motion of Senator D. Schmidt, and in compliance with **SCR 1626**, the Senate adjourned until Sine Die, 10:00 a.m., Thursday, May 25, 2006.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

